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E/1992/23
E/C.12/1991/4

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE SIXTH SESSION

(25 November-13 December 1991)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1992

SUPPLEMENT No. 3

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/1992/23
E/C.12/1991/4

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ABBREVIATIONS

AIDS	Acquired immuno-deficiency syndrome
EEC	European Economic Community
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross domestic product
HIV	Human immuno-deficiency virus
ILO	International Labour Organisation
NGO	Non-governmental organization
ODA	Official development assistance
OECD	Organization for Economic Cooperation and Development
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNRISD	United Nations Research Institute for Social Development
WHO	World Health Organization

EXPLANATORY NOTE

A hyphen between years, e.g. 1989-1994, signifies the full period involved, including the beginning and end years.

Chapter I

DRAFT DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

DRAFT DECISION I

Extraordinary additional session for the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, noting the long-standing backlog of States parties' reports awaiting consideration by the Committee on Economic, Social and Cultural Rights, many of which have been pending for well over two years, and being aware that such an abnormal situation seriously undermines the effectiveness and threatens the credibility of the system for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights, authorizes, on an exceptional basis, the holding of an extraordinary additional session, of three weeks duration, of the Committee in the first half of 1993.

DRAFT DECISION II

Non-submission of reports by States parties

The Economic and Social Council, recalling the concern that it has frequently expressed at the non-submission of reports by States parties to international human rights treaties, appeals to the following States, parties to the International Covenant on Economic, Social and Cultural Rights for more than 10 years, which have yet to submit even the initial report required by the Covenant to do so as soon as possible: Bolivia, Central African Republic, Egypt, El Salvador, Gambia, Guinea, Kenya, Lebanon, Mali, Mauritius, Morocco, Saint Vincent and the Grenadines, Solomon Islands, Sri Lanka, Suriname and Viet Nam. The Council notes that these States might wish to avail themselves of the advisory services available from the Centre for Human Rights to assist them in the preparation of their overdue reports.

DRAFT DECISION III

Technical assistance in implementing the International Covenant on Economic, Social and Cultural Rights

The Economic and Social Council takes note of the decision of the Committee on Economic, Social and Cultural Rights (E/1991/23, para. 331) to inform the Government of the Dominican Republic of its offer, in pursuance of article 23 of the International Covenant on Economic, Social and Cultural Rights, to send one or two of its members to advise the Government in relation to efforts to promote full compliance with the Covenant in the case of the large-scale evictions referred to in the Committee's reports. The Council approves the Committee's initiative, subject to the acceptance of the Committee's offer by the State party concerned.

Chapter II

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 13 December 1991, the closing date of the sixth session of the Committee on Economic, Social and Cultural Rights, 104 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

B. Opening and duration of the session

2. The sixth session of the Committee on Economic, Social and Cultural Rights was held at the United Nations Office at Geneva from 25 November to 13 December 1991.

3. The Committee held 26 meetings. An account of the deliberations of the Committee is contained in the relevant summary records (E/C.12/1991/SR.1-26).

C. Membership and attendance

4. In accordance with its resolution 1985/17 of 28 May 1985, the Economic and Social Council, at its 11th plenary meeting, on 23 May 1990, elected nine experts as members of the Committee to fill the vacancies created by the expiration of terms of office on 31 December 1990. The following members were elected for the first time: Mr. Abdel Halim Badawi (Egypt), Mrs. Virginia Bonoan-Dandan (Philippines) and Mrs. Luvsandanzangiin Ider (Mongolia). Mr. Philip Alston (Australia), Mr. Valeri I. Kouznetsov (Union of Soviet Socialist Republics), Mr. Jaime Alberto Marchan Romero (Ecuador), Mr. Alexandre Muterahejuru (Rwanda), Mr. Bruno Simma (Germany) and Mr. Javier Wimer Zambrano (Mexico) were re-elected. A list of the members of the Committee is given in annex II to the present report.

5. All members of the Committee, except Mr. Philippe Texier, attended the sixth session. Mr. Kenneth Osborne Rattray attended only a part of the session.

6. The following specialized agencies were represented by observers: ILO, UNESCO and WHO.

7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

Category II: International Commission of Jurists;

Roster: Habitat International Coalition.

8. At the 1st and 4th meetings, on 25 and 26 November 1991, members of the Committee, who had been elected or re-elected at the first regular session of the Economic and Social Council in 1990, made a solemn declaration in accordance with rule 13 of the rules of procedure of the Committee prior to assuming their functions.

D. Pre-sessional working group

9. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairman to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990 the Council authorized that the meetings of the working group may be held one to three months prior to a session of the Committee.

10. The Chairman of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet prior to the sixth session:

Mr. Juan ALVAREZ VITA
Mrs. Maria de los Angeles JIMENEZ BUTRAGUEÑO
Mr. Vassil MRATCHKOV
Mr. Alexandre MUTERAHEJURU
Mr. Mikis Demetriou SPARSIS

11. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 16 to 20 September 1991. All members of the working group, except Mr. Juan Alvarez Vita, attended its meetings. Mr. Vassil Mratchkov was elected Chairman/Rapporteur. The working group identified questions that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

E. Election of officers

12. In accordance with rule 14 of its rules of procedure, the Committee, at its 1st meeting, elected the members of its Bureau, as follows:

Chairman: Mr. Philip ALSTON

Vice-Chairmen: Mrs. Virginia BONOAN-DANDAN
Mr. Alexandre MUTERAHEJURU
Mr. Kenneth Osborne RATTRAY

Rapporteur: Mr. Vassil MRATCHKOV

F. Agenda

13. At its 1st meeting, the Committee adopted the items listed on the provisional agenda submitted by the Secretary-General (E/C.12/1991/2) as the agenda of its sixth session. The agenda of the sixth session, as adopted, was as follows:

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Action by the Economic and Social Council at it first regular session of 1991; the General Assembly at its forty-sixth session; and the Commission on Human Rights at its forty-seventh session.

6. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

7 Consideration of reports:

    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

8. General discussion on the topic of social and economic indicators.

9. Preparatory activities relating to the World Conference on Human Rights.

10. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

11. Report of the Committee to the Economic and Social Council.

G. Organization of work

14. The Committee considered its organization of work at its 1st and 2nd meetings on 25 November, 8th to 10th meetings on 28 and 29 November, 13th to 16th meetings on 3 and 4 December, 19th meeting on 6 December, 22nd and 23rd meetings on 10 December and 24th meeting on 12 December 1991.

15. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the sixth session, prepared by the Secretary-General in consultation with the Chairman of the Committee (E/C.12/1991/L.1);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23) and fifth (E/1991/23) sessions.

16. In accordance with rule 8 of its rules of procedure, the Committee, at its 1st meeting, considered the draft programme of work for its sixth session and approved it, as amended during consideration (see E/C.12/1991/L.1/Rev.1).

H. Next session

17. The Committee noted that its next session would take place from 23 November to 11 December 1992. The Committee strongly requested that the necessary arrangements be made to allow for holding the meetings of its pre-sessional working group in May, June or July, as from 1992.

I. States parties' reports scheduled for consideration by the Committee at its seventh session

18. The Committee, at its 19th meeting, decided that the following States parties' reports would be considered at its seventh session:

Initial reports concerning articles 13 to 15 of the Covenant

Nicaragua	E/1986/3/Add.15

Second periodic reports concerning articles 13 to 15 of the Covenant

Belarus	E/1990/7/Add.5
Czech and Slovak Federal Republic	E/1990/7/Add.6
Norway	E/1990/7/Add.7
Union of Soviet Socialist Republics	E/1990/7/Add.8
Poland	E/1990/7/Add.9
Hungary	E/1990/7/Add.10

Initial reports concerning articles 1 to 15 of the Covenant

New Zealand	E/1990/5/Add.5

Second periodic reports concerning articles 1 to 15 of the Covenant

Italy	E/1990/6/Add.2

Additional information submitted by States parties

France	E/1989/5/Add.1
Netherlands	E/1989/5/Add.2
Jamaica	E/1989/5/Add.4
Jordan	E/1989/5/Add.6

J. Composition of the pre-sessional working group
(seventh session of the Committee)

19. At the 24th meeting, the Chairman designated the following members to serve on the Committee's pre-sessional working group: Mrs. Virginia BONOAN-DANDAN, Mr. Samba Cor KONATE, Mr. Wladyslaw NENEMAN, Mr. Bruno SIMMA (or Mrs. Maria de los Angeles JIMENEZ BUTRAGUEÑO) and Mr. Javier WIMER ZAMBRANO.

Chapter III

OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

20. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of the first six sessions it has sought to modify and develop these methods in the light of its experience. It may be expected that these methods will continue to evolve, taking account of: the introduction of the new reporting system which requires that a single global report be submitted every five years; the evolution of the procedure developing within the treaty regime as a whole; and the feedback which the Committee receives from States parties and the Economic and Social Council.

21. The following overview of the Committee's methods of work is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

A. General guidelines for reporting

22. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose the Committee has substantially revised its reporting guidelines with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. It notes that, over the course of time, the guidelines adopted at its fifth session (see annex IV of E/1991/23) may be revised to take account of its experience therewith.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

23. At its second session, the Committee requested the Economic and Social Council to authorize the establishment of a pre-sessional working group to meet prior to each session of the Committee. In paragraph 10 of its resolution 1988/4 of 24 May 1988, the Council authorized the establishment of such a group prior to each session, subject only to the availability of existing resources. Since the third session, the pre-sessional working group had met for five days prior to each of the Committee's sessions. It was composed of five members of the Committee nominated by the Chairman, taking account of the desirability of a balanced geographical distribution.

24. The principal purpose of the working group was to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. In accordance with the Committee's decision at its second session, the aim was to improve the efficiency of the system and to

facilitate the task of States' representatives by providing advance notice of the principal issues which might arise in the examination of the reports (E/1988/14, para. 361).

25. It was generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant on Economic, Social and Cultural Rights constituted a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhanced the likelihood that the State party would be able to provide precise and detailed information.

26. In terms of its own working methods, the working group had, in the interest of efficiency, allocated to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose was based in part on the preferred areas of expertise of the member concerned. Each draft was then revised and supplemented on the basis of observations by the other members of the group and the final version of the list was adopted by the group as a whole. This procedure was applied equally to both initial and periodic reports.

27. In preparation for the pre-sessional working group, the Committee had asked the secretariat to place at the disposal of its members a file containing information relevant to each of the reports to be examined. For this purpose the Committee had invited all concerned bodies and individuals to submit relevant and appropriate documentation to the secretariat. It had also asked the secretariat to ensure that certain types of information should be regularly placed in the relevant file.

28. The lists of issues drawn up by the working group were given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating, inter alia, the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the State party can be facilitated by making the list available in advance of the Committee's session."

29. The Committee, at its sixth session, discussed the issue of improving the dialogue that it maintained with the States parties and agreed to request the States parties to provide in writing, if possible, the replies to the list of issues drawn up by the pre-sessional working group and to do so sufficiently in advance of the session at which their respective reports were to be considered.

30. In addition to the task of formulating the lists of questions, the pre-sessional working group had also been entrusted with a variety of other

tasks designed to facilitate the work of the Committee as a whole. These included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Presentation of the report

31. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure was followed in this regard at the Committee's sixth session. The representative of the State party was invited to introduce the report by making brief introductory comments and responding to the list of issues drawn up by the pre-sessional working group. A period of time was then allocated to enable the representatives of the specialized agencies to provide the Committee with any observations relevant to the report under consideration. During the same period, members of the Committee were invited to put questions and observations to the representative of the State party. As a matter of practice, the members who had participated in the pre-sessional working group were expected to limit their additional questions and the Committee accorded priority to those members who were not present at the pre-sessional working group. A further period of time, usually not on the same day, was then allocated to enable the representative to respond, as precisely as possible, to the questions asked. It was generally understood that questions that could not adequately be dealt with in this manner could be the subject of additional information provided to the Committee in writing.

32. The final phase of the Committee's examination of the report consisted of a period during which members were invited to offer any concluding observations they wished to make on the basis of all the information available to them. Rather than taking place on the same day as the final set of replies by the representative of the State party, it was agreed that this final phase would be held at least one day later, in order to provide adequate time for members to reflect on the information provided and to reach a balanced evaluation. To facilitate the process it was agreed that the Chairman would request a particular member, ideally not from the same region as the reporting State, to take initial responsiblity for drafting a text which would reflect the views of the Committee as a whole. The Committee would then discuss the draft with a view to adopting it by consensus. This final phase of the consideration of the report did not involve the representative of the State party although the latter was entitled to observe the work of the Committee in this regard. Once the concluding observations were adopted, they were forwarded to the State party concerned and included in the Committee's report. If it so wished, the State party might address any of the Committee's concluding observations in the context of any additional information that it provided to the Committee.

33. When considering reports based on the previous reporting cycle and dealing with only three articles of the Covenant, the Committee has endeavoured to make the most of the very limited time available in which to undertake a constructive and mutually rewarding dialogue with the representatives of the States parties. This had generally involved an effort to remain within a time-limit for each phase of the examination, on the basis that only one meeting (three hours) could generally be devoted to each report.

34. The Commmittee decided at its fourth session that its consideration of the global reports which States parties were beginning to submit in accordance with the new five-year periodicity would necessitate the allocation of considerably more time for each phase of the examination. It was agreed in general that on the basis of the time (three hours) presently allocated for the consideration of the equivalent of one third of a global report, and in line with the practice of the Human Rights Committee, up to a total of three meetings would be allocated for each global report. While recognizing that it might wish, in the light of future experience, to revise its approach, the Committee agreed to allocate the following indicative times for each phase: up to 30 minutes of general introductory comments by the representative of the State party; up to 2 hours for the representative to respond to the list of written questions; up to 3 hours for observations by representatives of the specialized agencies and questions by members of the Committee; up to 2 hours for further replies by the State party; and up to 1 hour, on a subsequent day, for adoption of the Committee's concluding observations.

35. The Committee also decided at its fifth session that on the third occasion that a State party's report was scheduled for consideration, it would, except in truly exceptional circumstances, proceed with the consideration of the report whether or not a representative of the State party concerned was able to be present.

C. Consideration of additional information submitted

36. The Committee decided at its fifth session that supplementary information provided by States parties would be examined at the session immediately following its receipt, and in the order of receipt. The time devoted to the examination of each report would not normally exceed 45 minutes. It was agreed that the State party would be advised in advance to permit it to be present if it so wished. It also agreed that the first speaker in the examination of the information would be the expert who had prepared the Committee's concluding observations on the report in question.

D. General discussion

37. At its second session the Committee decided (E/1988/14, para. 365) that at each of its future sessions it would devote one day, during the final week of its session, to a general discussion of one specific right or a particular aspect of the Covenant in order to develop in greater depth its understanding of the relevant issues. The discussion would take account of relevant information contained in the reports of States parties and of any other relevant material. The Committee agreed that at both its third and

fourth sessions the focus of its discussions would be on the rights contained in article 11 of the Covenant. At its third session the principal emphasis was on the right to adequate food, while the right to housing was the main emphasis at the fourth session. At its sixth session, the focus was on economic and social indicators pertaining to the work of the Committee. The Committee decided that, at its seventh session, the focus would be on the right to take part in cultural life, as recognized in article 15 of the Covenant. For that purpose, it authorized the Chairman to invite representatives of appropriate international agencies, individual experts and others to participate in its discussions.

38. In the context of its general discussions the Committee sought to draw as widely as possible on any available expertise which would assist it in its endeavours to develop a deeper understanding of the central issues. In that regard it attached particular importance to the recommendation adopted by the meeting of the persons chairing the human rights treaty bodies convened pursuant to General Assembly resolution 42/105 of 7 December 1987, to the effect that "the treaty bodies should consider establishing procedures designed to facilitate regular meetings with relevant special rapporteurs of the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities who are working on directly relevant subjects, whenever this would be useful" (A/44/98, para. 95).

39. Accordingly, the Committee invited Mr. Asbjørn Eide, the Special Rapporteur of the Sub-Commmission on Prevention of Discrimination and Protection of Minorities on the right to adequate food as a human right, to participate in the general discussion at its third session. Similarly, Mr. Danilo Türk, the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights, was invited to participate in the general discussion at its fourth session. In both cases the resulting exchange of views proved to be particularly rewarding and a summary of the discussions which took place was included in the Committee's reports.

40. The Commmittee also sought to draw upon the expertise of the relevant specialized agencies and United Nations organs both in its work as a whole and, more particularly, in the context of its general discussions. In this regard representatives of ILO, FAO, WHO, UNDP, UNRISD, UNESCO and the United Nations Centre for Human Settlements (Habitat) have all made informative and constructive contributions to its deliberations.

41. In addition, the Committee invited selected experts who appeared to have a particular interest in, and knowledge of, some of the issues under review, to contribute to its discussions. Thus at its third session it heard comments by Mr. Scott Leckie (consultant on housing and human rights issues) and at its fourth session it heard presentations by Ms. Julia Häussermann (Executive Director of Rights and Humanities), Mr. Rolf Künnemann (expert on food issues and Director of the Food International Action Network), Mr. Russel Barsh (expert on indigenous development issues and a representative of the Four Directions Council), Mr. Denis von der Weid (expert on the right to housing) and Mr. Scott Leckie. It considered that these contributions added considerably to its understanding of some aspects of the questions arising under the Covenant. At its sixth session the Committee also heard very useful presentations from a variety of individual experts.

E. General comments

42. In response to an invitation addressed to it by the Economic and Social Council in paragraph 9 of resolution 1987/5, the Committee decided at its second session (E/1988/14, para. 367) to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

43. By the end of its sixth session the Committee and the Sessional Working Group of Governmental Experts which existed prior to the creation of the Committee had examined 144 initial reports, 57 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant and 5 global reports. This experience covered a significant number of States parties to the Covenant, which consisted of 104 States at the end of the sixth session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far illustrated many of the problems which might arise in implementing the Covenant although they had not yet provided any complete picture as to the global situation with regard to the enjoyment of economic, social and cultural rights.

44. The Committee endeavoured, through its general comments, to make the experience gained so far through the examination of those reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures and to stimulate the activities of the States parties, the international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee might, in the light of the experience of States parties and of the conclusions which it had drawn therefrom, revise and update its general comments.

45. The method of work followed by the Committee in the preparation of its general comments had been described in detail in the report on its second session (E/1988/14, para. 370).

46. At its third session the Committee adopted General Comment No. 1 (1989), which dealt with reporting by States parties (see E/1989/22, annex III). At its fourth session the Committee adopted General Comment No. 2 (1990), which dealt with international technical assistance measures (art. 22 of the Covenant) (E/1990/23, annex III). At its fifth session the Committee adopted General Comment No. 3 (1990), which dealt with the nature of States parties' obligations (art. 2 (1) of the Covenant) (E/1991/23, annex III). At its sixth session the Committee adopted General Comment No. 4 (1991), which dealt with the right to adequate housing (art. 11 (1) of the Covenant) (annex III to the present report).

Chapter IV

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

47. In accordance with rule 58 of its rules of procedure, the Committee at its 25th meeting, on 12 December 1991, considered the status of submission of reports under articles 16 and 17 of the Covenant.

48. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on reservations, declarations and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1);

(b) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(c) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 1 October 1991 (E/C.12/1991/3).

49. The Secretary-General informed the Committee that in addition to the reports scheduled for consideration by the Committee at its sixth session (see para. 51 below), he had received, as at 13 December 1991, the reports submitted under articles 16 and 17 of the Covenant by the following States parties: initial report on articles 6 to 9 of Senegal (E/1984/6/Add.20); initial report on articles 10 to 12 of Nicaragua (E/1986/3/Add.15); second periodic reports on articles 13 to 15 of Norway (E/1990/7/Add.7), the Union of Soviet Socialist Republics (E/1990/7/Add.8), Poland (E/1990/7/Add.9), Hungary (E/1990/7/Add.10), Ukraine (E/1990/7/Add.11) and Germany (E/1990/7/Add.12); initial reports on articles 1 to 15 of New Zealand (E/1990/5/Add.5), Iceland (E/1990/5/Add.6), Uruguay (E/1990/5/Add.7), and the Islamic Republic of Iran (E/1990/5/Add.9); second periodic report on articles 1 to 15 of Italy (E/1990/6/Add.2); second periodic report on articles 10 to 15 of Canada (E/1990/6/Add.3); and additional information from Jordan (E/1989/5/Add.6).

50. In accordance with rule 57, paragraph 1 of the Committee's rules of procedure, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report. In accordance with rule 57, paragraph 2, the Committee had made a number of recommendations to the Council with regard to the submission of reports by States parties, which were included in chapter X of the present report.

Chapter V

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

51. At its sixth session, the Committee examined 9 reports submitted by 7 States parties under articles 16 and 17 of the Covenant. It devoted 19 of the 26 meetings it held during the sixth session to the consideration of these reports (E/C.12/1991/SR.2-14, 16-19, 22 and 24). The following reports, listed in the order in which they had been received by the Secretary-General, were before the Committee at its sixth session:

Initial reports concerning articles 6 to 9 of the Covenant

Afghanistan	E/1984/6/Add.12
Panama	E/1984/6/Add.19

Second periodic reports concerning articles 10 to 12 of the Covenant

Panama	E/1986/4/Add.22

Initial reports concerning articles 13 to 15 of the Covenant

Democratic People's Republic of Korea	E/1988/5/Add.6
Panama	E/1988/5/Add.9

Second periodic reports concerning articles 13 to 15 of the Covenant

Finland	E/1990/7/Add.1
Sweden	E/1990/7/Add.2
Spain	E/1990/7/Add.3
Colombia	E/1990/7/Add.4
Belarus	E/1990/7/Add.5
Czech and Slovak Federal Republic	E/1990/7/Add.6

Initial reports concerning articles 1 to 15 of the Covenant

Afghanistan	E/1990/5/Add.8

Second periodic reports concerning articles 1 to 15 of the Covenant

Syrian Arab Republic	E/1990/6/Add.1

52. At the request of the Government of the Czech and Slovak Federal Republic, the Committee agreed at its 1st meeting, on 25 November 1991, to postpone to its seventh session consideration of the second periodic report of that State party concerning articles 13 to 15 of the Covenant (E/1990/7/Add.6). At its 17th meeting, on 5 December 1991, the Committee also agreed, at the request of the Government of Belarus, to postpone to its seventh session the consideration of the second periodic report of Belarus on articles 13 to 15 of the Covenant (E/1990/7/Add.5).

53. In accordance with rule 62 of the rules of procedure of the Committee, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at the 23rd meeting of its second session, the names and positions of the members of each State party's delegation are listed in annex V to the present report.

54. In accordance with rule 57 of the rules of procedure of the Committee, the report on its activities should include summaries of its consideration of the reports submitted by States parties to the Covenant. Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain summaries based on the records of the meetings at which the reports were considered. Fuller information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee.

Afghanistan (arts. 1-15)

55. The Committee considered the initial report of Afghanistan concerning the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.8) at its 2nd, 4th to 6th and 8th meetings, held from 25 to 28 November 1991 (E/C.12/1991/SR.2, 4-6, and 8).

56. The representative of the State party introduced the report and explained that the Constitution of Afghanistan reflected his country's determination to apply the Covenant and to ensure the protection of the citizen and his property, while according priority to the rule of law. Laws and decrees enacted in accordance with the Constitution covered the right to recourse, appeal and compensation, freedom of expression and the right to strike, without distinction on any grounds. Those laws also provided for action against discrimination, ill-treatment and violations of rights by others. The Government had taken steps to ensure adequate housing and living standards and promoted public cultural activities and facilities. Emphasis was placed on social benefits, the right to motherhood and the development of culturally underprivileged areas.

57. The Government also had taken measures aimed at eliminating unemployment and securing working conditions in accordance with international standards. Health care was free of charge for all citizens; the Government had introduced a free health programme for disease prevention and treatment, including vaccination in vulnerable and remote areas. Education was free and compulsory for all citizens. The Government's programme covered all levels of education including literacy courses, adult education, vocational training, teacher training and research. The representative stressed that his country had been torn by civil strife for 14 years, which had taken a terrible toll in human lives and economic resources and which had obviously inhibited the full exercise of economic, social and cultural rights. Furthermore, the Government could not guarantee the application of international norms and conventions in areas that were under the control of opposition forces.

General matters

58. As regards the general framework in which the Covenant was being implemented, members of the Committee requested information on the social and economic characteristics of the country; the demographic composition of its population; the main types of economic activity; and political and cultural aspects, including the type of government and organization of the executive, legislative and judicial bodies. They also wished to receive information on the general legal framework within which economic, social and cultural rights were protected; the process of preparation of the report under consideration; the extent to which non-nationals in the country benefited from the principles embodied in articles 6 to 15 of the Covenant; on the most vulnerable groups in the population and the number of persons living below the poverty line; and about measures adopted and resources intended to improve their situation. In addition, members of the Committee wished to know how the Covenant and other international treaties were incorporated into national legislation; whether any provisions had been enacted which required significant derogations or amendments; what were the main obstacles currently facing the Government of Afghanistan in its attempts to improve fulfilment of its obligations under the Covenant; and the degree to which constitutional freedoms could be limited.

59. In addition, members of the Committee wished to know what the relative size was of the private and the public sectors; the extent to which tripartism, as defined by the ILO, worked in practice in Afghanistan; what the situation of agriculture was in Afghanistan, particularly in the light of allegations that the guerilla movements derived much of their financing from profits from drug production and trafficking; what the legal situation was of the ex-King of Afghanistan; whether the course taken by the war had led to greater Islamization of social groups; and whether the coexistence of Sunni and Shiite Muslims had led to sectarian conflict.

60. Members of the Committee also wished to know what the view of the Government was regarding the extent to which the presence of more than 5 million refugees outside the country prevented the exercise of the right to self-determination and indicated that they could not enjoy economic, social, and cultural rights in their home country; what the level of effectiveness and the extent of implementation had been of the decrees and resolutions passed to secure the return of refugees; and whether the Government was in a position to ensure the effective application of the law throughout the territory of Afghanistan. Finally, they asked what the reasons were for the absence of petitions or claims submitted to the courts in accordance with article 51 of the Constitution.

61. The representative of the ILO referred to articles 6 and 9 of the Covenant and informed the Committee of the ratification and implementation by Afghanistan of ILO Conventions and the relevant conclusions and recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations.

62. In reply to the questions asked, the representative of the State party provided information on the ethnic composition and character of the Afghan people, their sense of equality, their history and cultural heritage and the

structure and independence of the judiciary and the tribal assembly or "Jirgah", which was traditionally called upon to maintain order and justice in the event of failure of the central Government. International treaties to which Afghanistan was a party prevailed over domestic law and Afghan legislation guaranteed the rights and freedoms of foreign citizens as well as stateless residents. The representative gave as an example of a threat to the public interest an action which would be contrary to the unity of the country. Article 2 of the Constitution stated that Islam was the religion of the country and that no law should run counter to it. Over 99 per cent of the population were followers of Islam, with Sunnis constituting 80 per cent of the population, Shiites 18 per cent and Ismaili Muslims and other sects 2 per cent. Several institutions were working to develop and enrich Islamic culture and science.

63. Turning to the question of refugees, the representative explained that this was a very complex issue which could not be discussed in simple terms. The Government had established reception centres in the towns near the borders of Pakistan and Iran and had issued decrees guaranteeing returnees all their rights. However, every time there was an influx of refugees, the Afghan opposition made difficulties and rockets were aimed at the towns where the centres for returnees were located. The King would always be welcomed back to help in the peace process.

Articles 1 to 5

64. Members of the Committee requested information on the situation of women in Afghan society and, in particular, their participation in political, social and trade union activity, and their position in the field of work and professional activities, both in the private economy and in public service, particularly at the senior level. They asked whether full equality of rights under the law had been achieved and, if not, what discrepancies remained and what measures were being planned to eliminate them.

65. Members of the Committee also wished to know with reference to article 64 of the Constitution, under which no person had the rights and liberties enshrined in the law against the public interest, which authority decided what was the "public interest", what effective remedies there were in cases of alleged abuses, and what the impact of Islamic law had been on the practical application of written laws relating to the status of women.

66. In his reply, the representative stressed that Afghan tradition treated marriage as a sacrament for life. The wife was the mistress of the household and wielded great influence over her husband and children. Under Islamic law women had the right to own, acquire and inherit property of their own. Article 38 of the Constitution stated that men and women had equal rights and duties in the light of the law, irrespective of their national, racial, linguistic, tribal, educational or social status, religious belief, political conviction, occupation, kinship, wealth or residence. There were two women cabinet ministers, several women deputies, and a majority of women judges in the family courts and children's courts.

Article 6: Right to work

67. Members of the Committee asked what measures had been taken to give effect to the provisions of the Labour Code which was adopted in June 1987; whether the ILO Committee of Experts or the Committee on the Elimination of Racial Discrimination had made any observation in response to the report submitted by the Government of Afghanistan and, if so, what were those observations; and what the most serious obstacles and difficulties were to achieving the realization of the right to work.

68. In addition, members of the Committee wished to know whether the commissions on the settlement of disputes mentioned in paragraph 14 of the report had actually been established; what the procedure was for submitting complaints to those bodies or to the courts; and whether recourse to a commission could be followed by recourse to a court if the claimant was not satisfied with the commission's verdict. They also asked whether activities in agriculture and animal husbandry were based on an employer/employee relationship or on the family unit; what the ratio was of wage-earners to non-wage earners within that sector and also to wage-earners in other sectors of society; and how valid actually were the constitutional safeguards against discrimination in employment on grounds of political affiliation or opinion, in the light of allegations that people had been detained on political grounds.

69. The representative replied that in Afghanistan work was both a right and a duty toward the State. The Labour Code provided that the right to work for citizens was guaranteed without any discrimination as to race, colour, sex, language, religion, or political or other opinion. Women had the same status as men in that respect and the rule of equal pay for equal work had been established. Unemployment was a concern of the Ministry of Labour and Social Affairs; according to extrapolations from the 1979 census, there were about 206,000 job seekers out of a work force of 6.1 million in 1990.

Article 7: Right to just and favourable conditions of work

70. Members of the Committee wished to know whether the ILO Committee of Experts had made any observations in response to the reports submitted under the ILO Weekly Rest (Industry) Convention, 1921 (Convention No. 14) and the Weekly Rest (Commerce and Offices) Convention, 1957 (Convention No. 106). Members requested more information on the system adopted for setting wage levels, particularly with regard to the participation of workers and on measures and procedures (including inspection of work places) to ensure the occupational health of workers in all sectors of economic activity. They wished to be provided with statistics on the number, nature and frequency of work-related accidents, by branch of activity, and information on the factors and difficulties which affected the extent to which these rights had been realized as well as on progress made.

71. They also wished to know whether a minimum working age had been established, in accordance with ILO Conventions and whether the fixing of wages was determined by a legal regime or also a measure of collective bargaining.

72. In his reply, the representative stated that the provisions of international labour conventions were applied in Afghanistan to the fullest extent possible. The Labour Code provided that wages and salaries must be paid according to the quantity and quality of the work performed, taking into account degree, rank, post, profession and other factors; that there could be no discrimination on the basis of ethnic or national origin, language, property, sex or religion; and that salaries and wages paid must never be less than the minimum amounts specified by law and covering the basic needs of the family. The salaries of the public and semi-public sector were fixed according to a scale which had either been elaborated in cooperation with the Central Federation of Afghan Unions, or, for social organizations, had been agreed upon internally. Salaries in the private sector were based on a scale agreed upon by the Consultative Council for Economic Affairs, the Federation of Afghan Unions and the National Commission for Labour and Social Security.

73. With regard to the issue of safety at work, the representative said that the shortage of safety equipment and trained personnel constituted a drawback. The National Commission for Labour and Social Security as well as the Central Federation of Afghan Unions exercised permanent control over the conditions of work in enterprises and public organs and watched over the application of the relevant legislation. Women were entitled to 90 days maternity leave. The employment of women in physically heavy and unhealthy labour and the assignment of pregnant women and mothers with children of up to one year to work overtime was not permissible. Adolescents under the age of 18 also enjoyed certain work privileges. The Ministry of Labour and Social Affairs had taken additional measures to guarantee adequate working conditions for women, especially war widows, and young people. With regard to work in prisons, the representative stated that political prisoners were exempt from work; and that common law prisoners were offered the possibility of engaging in activities and work aimed at their re-integration into society.

Article 8: Trade union rights

74. Members of the Committee asked whether workers could set up and join trade unions other than the National Union of Afghan Workers; whether Afghan trade unions could maintain relations with international trade union organizations and, if so, to which international organization they belonged and whether within the current political and socio-economic structure of Afghanistan the right to strike is applied and, if so, whether there were any restrictions on the exercise of that right.

75. In addition, members of the Committee wished to know what the legal framework was for the right to freedom of association; what the rate of unionization of workers was and what the role and function of unions were, particularly in the situation currently obtaining in Afghanistan. They also asked whether any strikes had occurred recently and, if so, for what reasons.

76. In his reply, the representative stated that the Constitution guaranteed the freedom for workers and employees to form trade unions; and that such unions had been formed in the sectors of trade and transport, mines, building, industry, public health and public services. Afghan trade unions had the right to affiliate with international and regional federations and had thus

far established relations with 15 international organizations - including the World Federation of Trade Unions - and 165 national and regional organizations. Citizens had the right of assembly and peaceful demonstration as well as the right to strike, in accordance with the provisions of the law. The last strike was held in September 1991, by doctors, in Kabul.

Article 9: Right to social security

77. Members of the Committee wished to be provided with detailed information on the progress achieved in the field of social security and health care. They also wished to know what percentage of the general State budget was allocated to social expenditure and whether there were in fact some basic contributory schemes to provide for unemployment, for old age and for disabilities.

78. In reply, the representative explained that social security was financed jointly by the State, the enterprises and the workers. The system provided for benefits in case of retirement, industrial disablement, maternity leave and in case of the worker's death. The age of retirement normally stood at 60 years for men and 55 for women. The State endeavoured to achieve the greatest welfare of all citizens by organizing, promoting and distributing wealth appropriately, by fixing a minimum wage, and by providing technical and cultural education. Other social security measures included the distribution of staple items free of charge through a coupon system and the provision of State subsidies and fuel to all State employees.

Article 10: Protection of the family, mothers and children

79. Members of the Committee asked to be provided with information on the family structure and on laws and regulations governing the family, in particular the main laws, administrative regulations and collective agreements to promote the protection of the family; court decisions, if any; guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family; measures taken to abolish obsolete customs, laws and practices that may adversely affect the freedom of choice of the spouses; and the economic organization of marriage.

80. Furthermore, members of the Committee inquired whether equality of the sexes was guaranteed from birth, in particular with regard to the rights of inheritance; whether children born out of wedlock had the same rights as other children; what provisions existed to assist handicapped children; and how society faced the problem of juvenile delinquency and what practical solutions were applied.

81. Regarding the extended family system, the representative explained that married sons lived under parental authority, with the patriarch in control of the finances of the group while the matriarch was the autocrat of the home to whom daughters-in-law and grandchildren owed obedience. This system provided economic security to all family members. Property was held in common by the members of the family, the head of which decided on the distribution of goods and income. The State ensured the necessary opportunities for the education, employment, recreation, rest and spiritual and physical development of all

family members. The representative provided information on the relevant articles of the Civil Code, particularly with regard to marriage. On the matter of inheritance, he explained that under Islamic law the estate of a deceased person was shared by the sons and daughters, the share of each daughter being equal to half the share inherited by each son.

Article 11: Right to an adequate standard of living

82. Members of the Committee asked what measures had been taken to ensure an adequate standard of living and to gradually improve the living conditions of the population, in particular with regard to food and housing. They also wished to know what difficulties and problems faced the Government of Afghanistan in the fulfilment of the rights embodied in article 11 of the Covenant; whether there had been any achievements in this regard; and what the role of international cooperation was in this regard. In addition, members of the Committee asked whether the extent of homelessness was due to the absence of accommodations rather than the ravages of war; whether there were schemes to provide affordable accommodations for low income groups; and whether there were provisions for rent control.

83. In his reply, the representative stated that the Government operated a housing programme through the Ministry of Housing. Every Ministry had a commission to allocate blocks of housing to their employees. The law protected the rights of tenants.

Article 12: Right to physical and mental health

84. Members of the Committee wished to receive information on the main laws, administrative regulations, collective agreements and other measures to promote and protect the right of everyone to the highest attainable standard of physical and mental health, in particular to reduce the infant mortality rate and to ensure the healthy development of the child. They also wished to know what measures had been taken to protect the occupational health of workers; what vaccination programmes had been put into operation to control endemic diseases; and what the features were of existing health care programmes for the population in both rural and urban areas. They also wished to be informed about difficulties and achievements in the fulfilment of the right to health and about the role of international cooperation in this regard.

85. Members of the Committee wished to receive more information on the obstacles to the enjoyment of economic, social and cultural rights of women; the protection of their physical and mental health and, particularly, if the practice of genital mutilation of women still existed in Afghanistan and, if so, what were the measures being taken by the Government towards the elimination of that practice. They also asked what the incidence of AIDS was and if any programmes existed to combat that disease.

86. In his reply, the representative said that measures to ensure the healthy growth of children included vaccination against the six fatal childhood diseases, day-care facilities in the workplace, the distribution of food to children and periodic medical checkups. However, the present situation prevented medical assistance and equipment from reaching some areas, where

the mortality rate might be high. No cases of AIDS had been reported in Afghanistan, but a group of experts was looking into the problem.

Articles 13 and 14: Right to education

87. Members of the Committee requested detailed information on the educational system and on any difficulties encountered by the Government of Afghanistan regarding the fulfilment of the right to education, as well as on any achievements in this regard. They also wished to know what the role was of international cooperation in the realization of the right to education; and what were the past and present rates of literacy broken down according to gender.

88. In addition, members of the Committee asked what the size was of public spending in the education sector in comparison with private spending; what the number was of public sector and private sector schools; what the reasons were for the differences between rural and urban schools and between girls' and boys' schools and what steps were being taken to eliminate those differences.

89. In his answer, the representative said that primary education was compulsory and that there were 14,380 centres of alphabetization open to adults. The Government planned to achieve literacy for all school-age children and compulsory primary education by the year 2000. The present primary school enrolment rate stood at 40 per cent but 15 per cent of pupils dropped out before completing their basic education. Sixty-five per cent of the Afghan people were still deprived of education. Educational policy was based on the principles of Islam, on the people's approved traditions and national reconciliation, and on granting equal educational rights to all citizens without distinction as to nationality, race, sex, religion and social and economic status. Private schools existed side by side with the public education system and religious mullahs were engaged in educating the people and in setting up centres where people could learn to read and write. Regarding higher education, the basic problem was the lack of funds. International organizations could provide vitally needed help and assistance for the improvement of research laboratories and reconstruction of institutions destroyed in the war. Afghanistan's educational needs in general had been exacerbated by the damage inflicted by the war: 2,100 schools and their equipment had been destroyed, over 2,000 schoolteachers had been killed, over 15,000 had abandoned their jobs and over 70 per cent of school-age children and young people were denied literacy and education. The return of refugees made the situation even more acute. Most schools were co-educational. In some remote areas there were separate schools for boys and girls but there was no difference in the curriculum.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

90. Members of the Committee asked for additional information concerning relevant laws and administrative regulations; the most serious obstacles encountered and achievements attained; and the role of international cooperation in this regard.

91. In replying to the questions posed, the representative stated that all citizens had the right to take part in cultural life. Article 14 of the Constitution required the State to adopt the necessary measures for the development of culture, language and literature and to preserve the cultural legacy of all nationalities, clans and tribes. Scientific, technical and artistic activities were also encouraged and protected under the Constitution. Every author, inventor and producer enjoyed exclusive ownership of his work in accordance with the relevant statutory provisions. Authors received financial and moral support from the State, provided their works were not contrary to the laws and interests of the country. Problems in the cultural sphere included the diversion of budget expenditures from culture to defence; illegal excavations by foreigners in Bamyan and Nangarhar Provinces; and the obsolescence of radio and television equipment and printing facilities. The representative called upon international organizations to provide multilateral financial and technical assistance to help the country solve its cultural and scientific problems.

Concluding observations

92. The Committee expressed its satisfaction at the initiation of a dialogue with the State party. However, the report was considered to be unduly legalistic since it did not provide data on the practical implementation of the provisions of the Covenant or on the true situation in Afghanistan with regard to the enjoyment of economic, social and cultural rights. Furthermore, the Committee expressed its concern at the situation regarding guarantees of respect for fundamental freedoms and at the treatment of political prisoners. The Committee had been especially concerned about the problem of the 5 million Afghan refugees, accounting for one third of all refugees in the world, and, in particular, at the state of implementation of the decrees to facilitate their return. The Committee also expressed concern regarding the victims of the war, especially children.

93. The Committee gave special consideration to the situation of women. Article 3 of the Covenant was fully applicable in the absence of a reservation at the time of ratification. The Committee noted that the interpretation of the Islamic law made by the representative of Afghanistan in relation to inheritance might impede full application of that article and prevent full respect for the principle of equality of treatment between the sexes. The Committee also noted with concern the situation regarding the principles of freedom to form and join trade unions, tripartism, collective bargaining and the right to strike, set forth in article 8 of the Covenant.

94. In the light of the foregoing, the Committee requested the Government of Afghanistan to submit additional information in writing before its next session on the various issues of concern, and, particularly with regard to the situation of women in Afghan society and the equality of treatment between men and women in all areas of law, with an indication of any discrepancies that still existed and of the measures planned to eliminate them.

Panama (arts. 6-9, 10-12 and 13-15)

95. The Committee considered the initial reports of Panama concerning the rights covered by articles 6 to 9 and articles 13 to 15 of the Covenant (E/1984/6/Add.19 and E/1988/5/Add.9), the second periodic report of Panama concerning the rights covered by articles 10 to 12 (E/1986/4/Add.22) and additional information submitted by Panama concerning the rights covered by articles 6 to 10 and article 12 (E/1989/5/Add.5) at its 3rd, 5th and 8th meetings, held from 26 to 28 November 1991 (E/C.12/1991/SR.3, 5 and 8).

96. The representative of the State party introduced the reports and noted that the Constitution of Panama guaranteed the fundamental rights set forth in the Covenant. The implementation of some of these rights, however, had been impeded by the economic crisis resulting from the sanctions imposed by the Government of the United States of America since 1988 and the vandalism and disorder that accompanied the subsequent invasion of Panama by American forces. More than 250 commercial or industrial business concerns had been seriously affected, adding to the problems of unemployment and underemployment. However, over the last 18 months, unemployment had dropped and private companies had made progress in economic reconstruction.

97. The public sector of the economy, however, remained in difficulty, as economic aid from international organizations remained low. Even though the Government faced a number of difficulties in repaying the external debt accumulated by the previous Government, Panama had not had its foreign debt partially or totally cancelled, as was the case for some of the neighbouring countries. Finally, the representative pointed out that the social and economic situation had changed significantly since 1986, the year on which the per capita indicators employed by international organizations had been based. They would have to be updated.

General matters

98. With regard to the general framework within which the Covenant is implemented, members of the Committee requested information on the measures taken to ensure the exercise of the rights set forth in articles 6 to 15 of the Covenant, taking into account the provisions of articles 2 and 3; the progress that had been made in this area and the difficulties encountered in ensuring the full exercise of the rights guaranteed; the limitations on the exercise of these rights and the safeguards provided against abuses; how the Covenant had been incorporated into domestic legislation; and the steps taken by the responsible authorities to adequately publicize the rights set forth in the Covenant. Members of the Committee requested detailed information on the use of ODA or international cooperation from United Nations or regional bodies in the implementation of programmes for the promotion of the rights set forth in the Covenant. In this regard, members also wished to be informed about the forms of international cooperation and, in particular, the percentage of the assistance received through this cooperation devoted to the country's development and the enjoyment of rights covered in the Covenant.

99. The representative of ILO provided the Committee with information concerning the ratification and implementation of relevant ILO Conventions by

Panama. Problems had been noted by ILO in the application of the Labour Inspection Convention, 1947 (No. 81) and also regarding certain recent measures taken by the Government of Panama limiting the right to strike. He referred, in particular, to past difficulties encountered by the competent organs of ILO in obtaining specific information requested from the Government of Panama pursuant to the Conventions. He noted however that the Government of Panama had since requested, and received, technical assistance from ILO to resolve these reporting problems.

100. In his reply, the representative of the State party explained that the exercise by Panamanians of their rights under the Covenant were subject neither to restriction nor racial discrimination. Furthermore, there were judicial and administrative procedures to which all Panamanian citizens had recourse. In regard to international assistance, the representative stated that Panama did not receive loans from international organizations for the purpose of supporting social projects.

101. The representative also noted that Panama had ratified most of the ILO Conventions which guaranteed the rights of workers and that 24 reports required under those conventions had been submitted to ILO in June 1991. A number of other reports, which had been due in 1990, would also be submitted by the end of 1991.

Article 6: Right to work

102. Members of the Committee asked for information on the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts and in particular the absence of constraint in choosing employment, as stipulated in article 59 of the Constitution. Additionally, the Committee wished to know what guarantees were provided against discrimination in respect of access to employment; how protection was provided against arbitrary dismissal; and whether legal action could be initiated against the State in cases where the constitutional right to work was violated.

103. In answer to the questions posed, the representative of the State party pointed out that the right to freely choose one's employment was guaranteed in the Constitution and that in practice Panamanians were not constrained to remain at their jobs nor were they compelled to work overtime, except in the case of a life-or-death emergency. The Panamanian labour code protected workers from arbitrary dismissal and extended special measures of protection to union officers, pregnant women and nursing mothers.

104. The representative pointed out that, in 1987, the unemployment rate was found to be 20 per cent in the metropolitan areas and accounted for 45,000 unemployed workers at the time. A year later, the number of unemployed had nearly tripled to 125,158. According to the latest figures, the unemployment rate had dropped over the past two years to 15.7 per cent. Protecting the right to work meant, in actual practice, that the Government should adopt policies that favour full employment and that it was not incumbent upon the Government to attempt to provide a job to each citizen.

105. In addition, the representative of the State party noted that while under the provisions of the Penal Code detainees could receive a reduction of two days in their sentence in exchange for each day of work performed in public service, this did not constitute forced labour. New draft legislation had been prepared, in this regard, with the assistance of an expert from the ILO and was presently being examined by the Council of ministers. Similarly, new legislation concerning maritime workers had also been drafted with the assistance of ILO and submitted to the National Assembly for approval in September 1991.

106. In regard to the points raised concerning employment discrimination in the Canal Zone, the representative said that it was administered by the United States of America and was, therefore, outside the reach of Panamanian laws and regulations. Although there were about 14,000 Panamanians working in the Canal Zone, employment in the security sector was expressly reserved to citizens of the United States under the terms of the 1977 accord between Panama and the United States. That was the only restriction to which Panamanian workers were subjected and which could not be considered as discriminatory in respect of race, colour or origin.

Article 7: Right to just and favourable conditions of work

107. Members of the Committee requested further information regarding measures taken to ensure that inspection of working conditions by the responsible authorities was effectively undertaken. Members also wished to know why public holidays were compulsory in Panama and why workers were not allowed to work during holidays in exchange for wages.

108. In his reply, the representative of the State party said that Panama, which had ratified the relevant ILO conventions, observed the principle of holidays in order to ensure that workers had sufficient time off to have adequate rest.

Article 8: Trade union rights

109. Members of the Committee requested information on the factors and difficulties preventing the full exercise of trade union rights in all their aspects. In particular, members requested detailed information on Law No. 25, which had the effect of limiting the exercise of trade union rights by workers employed in the public sector.

110. In his reply, the representative of the State party stated that the Labour Code, as well as the Constitution, guaranteed trade union rights. Concerning Law No. 25, the representative explained the context in which the act had been adopted. The leadership of the public employees' union had organized a protest for 4 December 1990, a date which coincided with a coup that was attempted by the former head of the security forces. In view of the emergency situation, the Government requested the public employees to reconsider the protest but the decision was made to go ahead with the strike indefinitely even as the putschists were making progress in their attempt to seize power. It was under these circumstances that the Government adopted Law No. 25, which allows for the dismissal of employees in the public sector

for participating in strikes that put the national security of the country at risk. The law provides, nevertheless, for an administrative recourse procedure for employees dismissed in this way. For example, of the 147 employees of the Instituto de Recursos Hidraúlicos y de Electrifícacion (Water Resources and Electrification Institute) who lost their jobs under the law, 15 were reinstated after having used the proper administrative recourse. Anyone whose appeal was rejected under the administrative procedure could petition the Supreme Court. In a recent decision, the Supreme Court ruled that article 2 of Law No. 25 was unconstitutional but upheld the legality of the rest of the provisions, citing the right of the Government to preserve the integrity of the State.

111. Also in regard to article 8 of the Covenant, the representative pointed out that relevant legislation (Law No. 13) had been adopted in October 1990 in an effort to maintain current pay scales and insure agreed-upon periodic raises despite the worsening economic crisis in the country. According to article 3 of the Law, workers and employers were not excluded from negotiating improvements in working conditions or compensation levels.

Article 9: Right to social security

112. The representative informed the Committee that the range of benefits included under the present social security system was very broad and that more than 50 per cent of the Panamanian population was covered by the system.

Article 10: Protection of the family, mothers and children

113. Members of the Committee requested information on specific measures that had been taken with a view to maintaining, strengthening and protecting the family; on special measures taken to protect children and young people against economic, social or other forms of exploitation, neglect, cruelty or trafficking; on the more than 20,000 children in Panama working on a part-time basis, particularly in regard to their rate of literacy; and on the situation in Panama regarding children living in the street and measures being taken to provide adequate protection for them. Members also requested information concerning the situation of elderly persons in Panama and wished clarification of the statement that an estimated 60 per cent of Panamanian youth were addicted to drugs. Finally, with reference to article 57 of the Constitution, members asked for information on how civil authorities in Panama regulated the issue of family documents falling within the jurisdiction of the Church.

114. In his reply, the representative of the State party pointed out that the social security system provided for a maternity leave of 14 weeks, during which time the insured was eligible to receive her full salary. In regard to the protection of children, the representative noted that Panama had ratified the Convention on the Rights of the Child and was presently in the final stages of concluding a draft revision of the Family Code. Since the adoption of the Constitution in 1946, Church authorities have had to conform to the Civil Code in respect of questions concerning family, women and children. As a result, it was forbidden to mention the parentage of children in the civil registry in order to avoid any possibility of discrimination against

illegitimate children. Panamanian law prohibited children between the ages of 14 and 18 from employment in conditions which may be hazardous to their health or moral development or from taking part in economic activity which may hinder their studies. The Penal Code provided for the punishment of offenders in regard to the abandonment of minors or for abuse inflicted upon them. A special tribunal for minors had been established in this regard.

115. Concerning the problem of drugs, the representative himself was concerned about the statistic that 60 per cent of Panamanian youth were using drugs. He stated that the problem of drug addiction in Panama was relatively minor when compared to the problem in other countries in the region. With regard to the situation of elderly persons, the representative stated that retirement benefits fluctuated between 130 and 1,500 balboas each month. There were retirement homes and associations for retired persons which pressed for improvement of the situation. Generally, the elderly were cared for by their family, as was the custom in Panama.

Article 11: Right to an adequate standard of living

116. Members of the Committee requested information on the principal laws, regulations, collective agreements and court decisions, if any, designed to promote the right of everyone to adequate food; on measures taken to improve methods of agricultural production, to improve and disseminate knowledge regarding methods of food conservation and protection of harvests and improve food distribution and food consumption levels, with particular reference to the most vulnerable groups of the population; on participation by the Government in international cooperation efforts and projects aimed at ensuring the right of everyone to be free from hunger; and on statistical and other available data on the realization of the right to adequate food.

117. Members of the Committee also wished to receive information on the principal laws, regulations and collective agreements designed to promote the right to adequate clothing; on the measures and specific programmes undertaken to improve the methods of production and distribution of articles of clothing; and on the extent to which the Government had participated in international cooperation contributing to the promotion of this right; and on the situation in rural areas, including measures taken or envisaged to solve the special problems of housing, water supply and sanitary conditions. Members also wished to know if the distribution of income had improved since 1973, the year for which available statistics indicated that the poorest 40 per cent of Panamanian households accounted for only 7 per cent of all income earned in the country. Members of the Committee expressed concern for the thousands of inhabitants of El Chorillo, whose homes had been destroyed by Panamanian and American forces in early 1990, and requested further information concerning the forced evictions of families in Tocumen, San Miguelito and Panama Viejo.

118. In his reply, the representative of the State party said that the right to an adequate standard of living remained a fundamental concern in Panama. In this regard, the Government had restructured the Department of Social Welfare, created a tripartite commission to raise the minimum wage and was planning to exempt from taxation persons at the lower-income level.

119. In regard to measures foreseen to diminish adverse social consequences stemming from economic adjustment, the representative explained that compensation for workers losing their jobs as a result of the privatization of the public sector would be the responsibility of the party purchasing the enterprise. There was additionally a programme under which workers quitting public sector employment in order to start their own businesses were given a compensation equivalent to 12 months of their salary plus the thirteenth month. Other Government initiatives in this regard included programmes to provide food and snacks for schoolchildren, particularly in areas where the economy was significantly depressed. There were also soup kitchens located in the cities, while clubs and religious organizations distributed basic necessities in the outlying areas. Additionally, responsible Government agencies, as well as a number of non-governmental organizations, carried out programmes providing technical assistance, farming equipment and seeds for raising basic food crops, including pisciculture.

120. With regard to the right to adequate clothing, the Government had concluded agreements with clothing manufacturers to provide, at reduced cost, uniforms and shoes for needy schoolchildren. Thanks to the support of private sector organizations, poor children benefited from the programme free of charge.

121. The Minister of Housing had undertaken programmes to provide low-cost housing to the population. In rural areas, the beneficiaries provided the manpower while the Government provided the plans, building materials and technical assistance. In Colon, where the housing problem was especially acute and many of the wooden houses were unsanitary and decaying, a fund for the construction of new housing had been created from taxes on special services in the free zone of Colon. There were a number of other Government programmes focusing on the unemployed and the needy, including a substantial programme for the construction of low-income housing. In the zone of Colon, where the economy and unemployment situation was especially difficult, a special tax had been instituted to finance housing and social programmes.

122. Persons whose lodgings had been in areas destroyed by Panamanian and American forces were free to return to their former neighbourhoods. Three apartment buildings had already been constructed for this purpose and three others were nearing completion. Additional accommodations had been built in other locations for those who had wished to move. The United States had provided financial aid for the families affected.

Article 12: Right to physical and mental health

123. Members of the Committee requested information on the measures taken to protect and improve all aspects of environmental and industrial hygiene and to prevent air, land and water pollution; and on measures to overcome problems associated with urban development and industrialization.

124. With regard to the right to physical and mental health, the representative of the State party noted that there were in Panama several integrated health care systems with the purpose of protecting the population, particularly in rural and economically depressed areas. In addition to

hospitals, there were small district clinics as well as medical teams that went into areas where access was difficult. Health care and pharmaceutical products were available free of charge to the needy. Additionally, the Government organized vaccination campaigns aimed at eradicating malaria and controlling cholera as well as programmes for the prevention of AIDS and venereal disease.

125. With regard to industrial pollution, the representative pointed out that since Panama had no heavy industry, pollution was not a serious problem.

Articles 13 and 14: Right to education

126. Members of the Committee requested information on the measures taken to promote the full realization of the right of everyone to education (with a view to developing the teaching of human rights); on measures to provide financial and other assistance to students in higher education, including measures directed at the progressive introduction of free higher education; and on the difficulties hampering efforts to make higher education equally accessible to all, including, in particular, problems of discrimination. Members also asked for information on legislative measures, regulations or other specific provisions that had been introduced to ensure freedom of education and on the difficulties encountered concerning the realization of that right.

127. In his reply, the representative of the State party said that primary and secondary education in Panama was compulsory and provided without charge. Books, notebooks and various other necessities were also provided free of charge. Presently, 92.5 per cent of all 6- to 11-year old children in Panama attended school. Private schools were allowed and encouraged in Panama but the teaching staff of these schools were subject to State regulation. The cost of higher education was negligible and there were, additionally, scholarship funds available at all levels of education, including overseas study. Teacher training is an ongoing concern and is supported by assistance from UNDP, ILO and the Regional Programme for Employment in Latin America and the Caribbean (PREALC).

128. With regard to discrimination, the representative noted that there was even less discrimination in education than in employment. Private and foreign universities were open to students without distinction as to race, religion or political conviction. The educational system, public and private, was founded on the principle of educational freedom.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

129. Members of the Committee requested information on the principal laws, regulations collective agreements, court decisions and other relevant provisions to ensure the rights under article 15 of the Covenant, including the conservation, development and diffusion of science and culture, freedom of scientific research and creative activity and the encouragement and development of international contacts and cooperation in the scientific and cultural fields. Members also asked for information on the specific measures

taken in these areas to promote the enjoyment and exercise of those rights, on the difficulties encountered and on the legal restrictions. Members of the Committee noted that indigenous groups were among the least privileged sectors of Panamanian society and asked for information as to the reasons for this and the significant illiteracy rate among the indigenous population and concerning measures taken to promote indigenous culture.

130. In his reply, the representative of the State party said that the Government was planning the creation of cultural centres. There were many theatres and concert halls in the country as well as the National Institute of Culture. The rights of authors and the protection of intellectual property were guaranteed. There were two television stations that specialized in providing cultural programmes. The National Institute of Culture was responsible for the right covered by article 15 of the Covenant, whereas scientific research and authorship were regulated under the framework of the educational system. The State actively encouraged and subsidized diverse cultural activities such as classical music, ballet, folkloric productions and theatre.

131. With regard to the situation of indigenous groups in Panama, the representative explained that the majority of the indigenous population lived according to their own customs in the reserves designated for them. There were five such reserves which were remote and difficult to reach. This explained why educational programmes for the indigenous population were carried out only in the cities. Sixty-three per cent of the indigenous population was illiterate, with women being disproportionately represented in that figure. That high rate was due to a number of factors, such as the dispersion of the groups in remote areas and tribal prohibitions against contact with outsiders. For that latter reason, in particular, the Government had undertaken an effort to make basic education available to the various indigenous groups through the use of teachers who were themselves indigenous. It was felt that those specially trained indigenous teachers would be appropriate because of their bilingualism and would also be in a position to respect indigenous customs and traditions and thereby protect their cultural heritage. It was found, however, that those who were able to complete the training did not wish to return to their original tribe to play such a role.

132. The representative stated that workers from the indigenous groups were not subject to any discrimination on the job and were paid according to the same pay scale as other citizens of Panama. The Government of Panama had taken the position that the ILO Indigenous and Tribal Populations Convention, 1957 (Convention No. 107), under which the hiring of indigenous workers must be authorized by the Minister of Labour, risked being counter-productive since it created an impediment to employment.

Concluding observations

133. The Committee noted that the reports of Panama had been presented against the background of the extraordinary circumstances in the country resulting from political turmoil and the aftermath of the invasion by the United States of America. This had created great disorder in all sectors throughout the country with serious consequences for the enjoyment of economic, social and

cultural rights. Against this background, it was gratifying that the Government of Panama had been prepared to establish a dialogue with the Committee and its appearance had enabled the Committee to acquire a clearer appreciation of the situation in that country.

134. The reports submitted by Panama were too general and legalistic in nature and placed too much emphasis upon a recital of legislative decrees rather than details of the practical measures taken for the implementation of the Covenant. The Committee welcomed the further elaborations given by the representatives of Panama in their oral presentations but noted that a number of questions raised by the pre-sessional working group had remained unanswered.

135. Several detailed questions had been asked concerning both housing rights and evictions to which the responses provided by the delegation of Panama were viewed by the Committee as unsatisfactory for the following reasons:

(a) First, the Government's claim that 3,000 persons had been affected by the bombing of El Chorillo differed substantially from all other sources available on this issue, which placed the figure between 12,500 and 20,000 persons. The absence of reliable census figures as to the population of El Chorillo prior to the bombing of the community could be a reason for the disparity in estimates. The Committee viewed with alarm the disparity in persons affected in view of the obligations incumbent upon the Government under the Covenant;

(b) Secondly, the responses given to questions concerning the current living conditions of residents of El Chorillo made homeless by the bombing differed substantially from other information available to the Committee. The Committee had received information which pointed to many complaints by the residents that had received alternative accommodation and which concerned the long distance which now had to be travelled to and from places of employment on relatively expensive public transportation and the overall poor quality of the housing in the resettlement sites. Moreover, two years after the invasion, a large number of persons had yet to be rehoused;

(c) Thirdly, the justification for the actions carried out by the Panamanian and United States forces in Tocumen, San Miguelito and Panama Viejo in early 1990, which affected over 5,000 persons, was unacceptable under the terms of the Covenant as a ground for forcibly removing people from their homes. During the actions concerned, a large number of houses were demolished, in spite of the affected persons having lived in the area for more than two years. Additionally, these evictions had not been accompanied by legal eviction orders. The Committee was of the view that evictions carried out in this way not only infringed upon the right to adequate housing but also on the inhabitants' rights to privacy and security of the home.

136. The Committee noted that the indigenous peoples were among the most disadvantaged in the society and that the rate of illiteracy among them was quite high despite the provisions for compulsory education. In this regard, note was taken of the fact that the indigenous population lived on reservations, often in remote areas, and was determined to maintain their traditions, customs and laws.

137. The situation relating to the reported high incidence of drug abuse and drug trafficking especially among young people was raised. Note was taken of information provided that there was an alarmingly high rate of involvement of foreigners in that activity.

138. The view was expressed that the restrictions placed on the participation of foreigners in the executive committees of trade unions were not in conformity with article 8 of the Covenant.

139. Concern was also expressed regarding the unequal distribution of household income in Panama, and the Government of Panama was requested to indicate what measures had been taken to address this situation.

Democratic People's Republic of Korea (arts. 13-15)

140. The Committee considered the initial report of the Democratic People's Republic of Korea concerning the rights covered by articles 13 to 15 of the Covenant (E/1988/5/Add.6) at its 6th, 8th and 10th meetings, held from 27 to 29 November 1991 (E/C.12/1991/SR.6, 8 and 10).

141. The representative of the State party introduced the report, gave a brief account of his country's history, and drew attention to measures taken by the Government to overcome the cultural backwardness inherited from the period of colonial domination. Education, science, technology and culture were considered as an integral part of the construction of a new society.

General matters

142. With regard to the general framework within which the Covenant was implemented, members of the Committee wished to be informed of any developments since the report was prepared by the Government, giving both general information and details of action taken to ensure full exercise of each right referred to in articles 13 to 15 of the Covenant, and asked to be provided with a brief outline of Juche philosophy. They asked to what extent those rights were guaranteed equally to men, women and non-nationals.

143. In addition, members of the Committee asked whether all citizens enjoyed freedom of movement, freedom of expression without fear of punishment and freedom of religion; and what the Government's policy was towards ethnic minorities in the context of education and culture.

144. In reply, the representative of the State party explained that the Government's policy in the field of education, science, technology and culture was based on Juche philosophy, meaning that human beings were placed at the centre of all concern, that the service of mankind was made the focal point of all activities, and that solutions were sought for all the problems of the revolution and reconstruction in the light of the country's situation and in its people's interest. There was no problem of ethnic minorities since all the people spoke a single language and had the same culture and customs.

Articles 13 and 14: Right to education

145. Members of the Committee asked what measures had been taken to ensure full exercise of the right of everyone to education so as to strengthen respect for human rights and fundamental freedoms, promote the teaching of human rights and to further United Nations peace-keeping activities. They also wished to receive information regarding the percentage share of, and trends in, budget allocations for education and culture, and about difficulties encountered by the State party in fulfilling its obligations under articles 13 to 15, especially with regard to primary, secondary and higher education, compulsory free education, culture and scientific progress. They asked what legislation had been enacted in pursuance of the constitutional provisions on education and culture referred to in the report, what success had been achieved in implementing the goal enshrined in article 41 of the Constitution of the Democratic People's Republic of Korea of "universal compulsory 10-year education", what steps had been taken to further the access of particular disadvantaged groups to education, and whether parents had the right and opportunity to choose their children's school.

146. It was also asked what measures had been adopted or proposed to further the right of parents to ensure the religious and moral education of their children in conformity with their own beliefs, what exactly was meant by the "financial and material assistance" given to pupils of "regular educational institutions of higher learning" (E/1988/5/Add.6, para. 23), what was the nature of State expenditure on "pupils' and students' extracurricular activities" (ibid., para. 27), and what were "extracurricular activities" comprised of. Members of the Committee also asked why the State spent the same amount - 15,800 won - on a child in a crèche as on a student graduating from university; what was the correlation between education proper and productive labour; what proportion of time was spent on physical training in the country's schools and what did the fact that physical training was "defined as a major subject in the educational programme" (ibid., para. 41) mean in practice; whether a pupil could be excused from physical training during vacations; what school buildings had been provided for pupils; what was the number of pupils per class; and what educational equipment was provided to schools.

147. Information was requested on the principal instruments (laws, court rulings or collective agreements) and practical steps intended to prevent interference with the freedom of individuals and bodies to establish and direct educational institutions, in accordance with article 13, paragraph 4, of the Covenant; on a teacher's wage and pension and its relation to the minimum living wage; on special care shown to female teachers; on the principal instruments intended to improve the material conditions of teachers; and on the part played by teachers and their organizations in drawing up curricula and in preparing teaching equipment and programmes.

148. Members of the Committee also wished to know whether Korean teachers were able to compare their methods of work with those of teachers abroad; whether parents had the freedom to let their children attend school at an early age; whether students were free to choose whether or not to pursue religious education; whether any specific working age had been stipulated; whether

alternative programmes were available for disabled persons; whether there was any link between physical training and military service and whether students could be called upon to perform military service while studying at university; with regard to girl pupils, what was meant by their "family responsibilities and women's occupations" (ibid., para. 37); what was the ratio of female to male students in educational institutions; what was meant by the term "public education" (ibid., para. 10) and by "monolithic" (ibid., para. 17) education; whether admission to universities was subject to entrance examinations; whether grants or scholarships were available for study in foreign countries; whether foreigners had access to Korean schools; and what was the procedure for monitoring and evaluating the schools' curricula. They also wished to know whether there was any private educational system; whether there were participants other than the State in the development of the school system; whether there was any teaching of human rights and of tolerance in schools. Finally, they wished to be provided with information regarding programmes to combat illiteracy.

149. In his reply, the representative explained that the right to education was guaranteed by article 59 of the Socialist Constitution of the Democratic People's Republic of Korea, which specified that every citizen had the right to free and compulsory education. Since 1972, compulsory education had been made free, extending over 11 years (one year of pre-school, four years of primary and six years of secondary education). In 1990, the country had 270 universities, 469 specialized high schools, 4,849 secondary schools and 4,813 primary schools, providing education to one quarter of the total population. In addition, a separate system of studying on the job had been introduced. The right to education applied not only to all citizens without distinction of sex or age but also to the children of non-nationals, if the latter so wished. The representative stated that 18 per cent of the State budget was allocated to education and culture. The State had taken measures to ensure that theoretical education was closely associated with practical training in its various forms. Persons receiving training on the job benefited from theoretical courses. Outside the school, children engaged in sports and artistic activities, participated in literary, scientific and other clubs and took part in visits to factories and other places of interest.

150. In replying to additional questions, the representative drew attention to the difficulties experienced after 1953 owing to the destruction of both material and human resources. The term "monolithic" could be better seen as "uniform". The Constitution provided for parental right of choice in education. Many schools had been established by religious foundations or by social organizations. Parents, social organizations and the State were all actively involved through the long-standing committee for educational change in improving education and in promoting an atmosphere conducive to learning and they could make suggestions for change. Special schools existed for gifted children as well as a few private schools in particular sectors, such as computer training. Crèches or kindergarten were available for very young children if the parents so wished. In 1989, girls had constituted 51 per cent of primary and secondary school pupils and 42 per cent of university enrolment. Access to higher education was strictly regulated by competitive examination. There was a tendency for women to specialize in education and for men to specialize in scientific subjects. There were exchange programmes

for students and teachers and cooperative activities with UNICEF. Human rights was not taught as a separate subject in educational institutions but information was given on the rights of the child and the International Covenants and their translations were available in libraries and schools. There was a nationwide literacy campaign conducted under the State's unified plan of guidance.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

151. Members of the Committee asked whether articles 44 and 45 of the Constitution of the Democratic People's Republic of Korea meant that literature, art, science and technology, etc. which were not based on Juche ideas were illegal and, if not, what laws protected freedom of creative activity and artistic production, such as the freedom to make known the results of such activity; what limitations or restrictions were imposed on this freedom; and whether there were any factors that made it difficult to guarantee that right. Members of the Committee also asked how many theatres and cinemas there were in the country; how these were distributed regionally; whether ticket prices were affordable; and whether foreign films and plays - in particular, world classics - could be shown. With regard to cultural life, it was asked whether structures other than the State and the Party carried out activities in managing it; what funds were available to promote culture and encourage everyone to take part in cultural life, including the support given by the public sector to private initiatives; and what general policies and specific measures existed to promote cultural identity as a factor in generating mutual respect among individuals, groups, nations and regions.

152. Members of the Committee asked to be supplied with statistics regarding books published in the country, the availability of books to the population, and separate figures for the publication of works by foreign authors. They also wished to know what were the main instruments (laws, administrative regulations, etc.) intended to promote the right of everyone to enjoy the benefits of scientific progress and its applications, including those necessary for the conservation, development and dissemination of science; what steps had been taken to enable everyone to benefit from the applications of scientific progress, including measures to promote a healthy and clean environment and details of the institutional infrastructure set up to achieve it; and what steps had been taken to promote the spread of information on scientific progress.

153. Members of the Committee requested an indication of what measures had been taken to prevent the use of scientific and technical progress for purposes contrary to the enjoyment of all human rights, including the rights to life, health, liberty of person, privacy and other similar rights; and any restrictions applicable to the exercise of the rights elaborated in article 15 of the Covenant, including details of the legal provisions by which they were imposed. Information was requested on protection by law of the rights of authors and performing artists; on opportunities for Korean scientists to learn about "modern scientific achievements realized in other countries" (E/1988/5/Add.6, para. 108): on measures taken, including laws, regulations

or other provisions, to ensure the conservation, development and dissemination of culture and freedom of scientific research and creative activity; and on the encouragement and development of international contacts and cooperation in the scientific and cultural fields.

154. In addition, members of the Committee wished to know what was meant by the term "cultural backwardness"; whether there were cultural activities other than those organized by the State; whether any specific prohibitions existed with regard to participation in cultural life and the enjoyment of the benefits of scientific research; and whether individuals dissenting from the Party line had access to private publishing facilities. They also asked whether freedom of choice for scientists was not restricted by the fact that all their necessities were provided for by the State; and whether foreign publications were available to students.

155. In his reply, the representative stated that the rights elaborated in article 15 of the Covenant were guaranteed by articles 51 and 60 of the Constitution which specified that all citizens were equal in all areas of the life of the State and society: political, economic, cultural, etc. The freedom of all citizens to engage in scientific, literary and artistic activities was guaranteed and State support was provided for innovators and inventors. The Constitution provided that copyright and invention patents were protected by law and guaranteed freedom of scientific, technical and cultural exchanges with other countries pursuant to the relevant legislation. The Government and the Party had set guidelines for the cultural development of the country so as to reflect the wishes, needs and interests of the people and to mobilize the masses, in particular workers and peasants, to put those guidelines into practice. There were 35 theatres and 5,121 cinemas uniformly distributed throughout the country. At every factory, enterprise or cooperative farm, there was a cultural centre. Foreign films, plays and world masterpieces were shown mainly through television. On the basis of Juche philosophy, the Government gave pre-eminence to maintaining national traditions, preserving the country's national heritage, and adapting the scientific and technical achievements of other countries to the country's situation and to its people's interests and feelings, instead of mechanically introducing them. Various regulations had been adopted governing the dissemination of scientific and technical information, inventions and innovations, and such matters as scientific and technical exchanges with foreign countries. In the field of science and education, over 180 cooperation agreements had been concluded with 68 countries. Centres had been set up in the towns and provinces as well as in the more important centres where scientific and technological books were kept. Also, a computerized scientific and technological information centre had been set up in the Grand People's Study House. Material interests resulting from any scientific, technological, educational, literary or artistic production were protected by copyright legislation.

156. The representative added that many Koreans had difficulty learning foreign languages, which proved to be a bar to the acquisition of foreign culture, and that western music and paintings had been so widely spread that the public tended to look down upon their own culture. The fact that writers and artists had not mixed with the people had produced works of [illegible] which did

not depict reality and which did not attract the interests of the masses. State directives in the matter promoted the creation of literary and artistic works which were national in form and socialist in content. Any citizen could write freely or create artistic works, which could be enjoyed privately, but the question whether the book would be published or the artistic work exhibited was dependent on a decision by the National Examination Committee, which ensured that objectionable material dealing with war and violence was kept at a minimum. The Party did not interfere with the work of the Committee. There were no private publishing houses in the country or private film studios or cinemas.

Concluding observations

157. The Committee thanked the Government of the Democratic People's Republic of Korea for its willingness to continue the dialogue through the regular submission of reports. It noted with satisfaction that the Government had made efforts to guarantee to citizens the enjoyment of rights provided for in articles 13 to 15 of the Covenant. The Committee pointed out, however, that the report had given precedence to legalistic and theoretical aspects and had not placed sufficient emphasis on tangible facts reflecting the actual situation prevailing in the country. The Committee noted that, within financial possibilities, education had been provided free of charge for all. The Government was encouraged to continue its efforts to promote an education system that would stimulate private investment in that field, thereby enabling citizens to exercise greater freedom in choosing educational institutions, in accordance with the provisions of article 13, paragraph 3 of the Covenant. With regard to the rights enshrined in article 15 of the Covenant, the Committee expressed concern that the existing machinery for the examination of works of art and literature for the purpose of publication could result in inadequate protection of freedom of expression.

Syrian Arab Republic (arts. 1-15)

158. The Committee considered the second periodic report of the Syrian Arab Republic concerning the rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.1) at its 7th, 9th and 11th meetings, held on 28 and 29 November and 2 December 1991 (E/C.12/1991/SR.7, 9 and 11).

159. In introducing the report, the representative of the State party explained that the Syrian Constitution guaranteed the fundamental rights of citizens and protected them against exploitation. To that end, the State had undertaken to promote education, protect the freedoms of the individual, work for equality of opportunity, protect the family, women and children, guarantee a decent standard of living and meet the social, economic and cultural needs of all.

General matters

160. With regard to the general framework within which the Covenant was being implemented, members of the Committee wished to receive information on any changes that had occurred since the submission of the Syrian Arab Republic's

initial reports on articles 6 to 9 (E/1978/8/Add.25 and 31) and 10 to 12 (E/1980/6/Add.9) regarding the implementation of the Covenant and, in particular, programmes, institutions and practices in the field of human rights, and the political structure and the economic, social and cultural characteristics of the country. They also wished to know what measures had been taken to inform the public about the Covenant and the reports submitted by the Syrian Arab Republic to the Committee; which official bodies had prepared the report and whether contributions were received or sought from other sources; what factors and difficulties affected the enjoyment of the rights set forth in the Covenant; what were the most vulnerable groups of the population; how many people lived below the poverty line and what measures were being taken to remedy their situation; to what extent the rights set forth in the Covenant were guaranteed to non-nationals; whether progress had been made with regard to respect for the right to work as a result of the promulgation or amendment of a law or of collective agreements and judicial decisions; whether measures had been adopted following the consideration of the initial reports by the Sessional Working Group of Governmental Experts; and what the role was of international assistance and cooperation in securing the enjoyment of the rights embodied in the Covenant.

161. Additional information was also requested on the Arab Baath Socialist Party; on the legal value of the Party Constitution; on other Syrian political parties and their role in the political life of the country; on the reference to the participation of workers in socialist competitions (E/1990/6/Add.1, para. 8); and on the implications of the concept of work as a duty. It was asked to what extent professional careers in the Syrian Arab Republic depended on membership of the Baath Party; whether the policy with regard to labour, health, family and education was worked out by the State alone or in consultation with the groups concerned; and whether citizens could invoke before the courts the provisions of treaties and conventions ratified by the Syrian Arab Republic. Moreover, information was requested on the demographic composition of the Syrian population; the rate of illiteracy for each component of the population; on ethnic minorities; and on the proportion of the Syrian budget earmarked for defence and the cost of keeping Syrian soldiers in Lebanon.

162. In reply, the representative of the State party said that the 1973 Constitution of the Syrian Arab Republic provided the necessary general legal framework for the protection of human rights. The Syrian economy was marked by great diversification, and the Government was endeavouring to develop the three sectors of the economy and promote cooperation among them. The right to social security was protected by the State, education was free of charge at all levels and the State was making every effort to guarantee the right to health by providing primary health care in public hospitals and clinics and by opening mother and child protection centres in the towns and cities and in the countryside.

163. As to measures to inform the public, the representative said that an information day was held every year for the Covenant and that articles were published on that occasion, stressing the Covenant's universal nature and the importance attached to implementing it. The Syrian Commission which prepared the reports to be submitted to the Committee also took account of the

Committee's comments. The Syrian Arab Republic was thus implementing a programme on science and culture which was having very positive effects on the population. It did not import foreign manpower on its own initiative, but, in accordance with its nationalist policy, gave special treatment to nationals of Arab countries who wished to work within its territory. In 1989, 577 work permits were issued to Arab citizens as against 722 to foreign workers. No distinction was drawn between Syrian nationals and foreigners as far as wages and membership of trade unions were concerned.

164. The difficulties affecting the exercise of the rights set forth in the Covenant included the Israeli aggression and Israel's occupation of Arab territories in the Syrian Golan, as well as its refusal to recognize the rights of the Palestinian people, particularly its right to self-determination. The Kurdish problem was not a real one, but that was not the case with the public debt, which weighed heavily on the balance of payments and on public finances. The Government was trying to alleviate the consequences of the debt and to guarantee citizens the enjoyment of an adequate standard of living. However, no one in the Syrian Arab Republic lived below the poverty line.

165. Replying to other questions, he said that, under article 8 of the Syrian Constitution, the Arab Baath Socialist Party was the leading party both in society and in government. It was, however, not necessary to be a member of the Baath Party in order to receive a scholarship and many Syrian students sent to pursue their studies abroad were not members of the Party. A National Progressive Front had just been set up to ensure broader participation in political life. Under the leadership of the Baath Party, it was composed of a number of political parties, including the Communist Party. Several parties took part in the political life of the country and the Syrian political regime could thus be called a multiparty system. Moreover, the international instruments ratified by the Syrian Arab Republic became an integral part of national legislation and could be invoked by any citizen before the courts.

Articles 1 to 5

166. Members of the Committee wished to receive clarification of the situation of women in Syrian society, in particular, regarding their participation in political, social and trade union life, and their position in the field of employment. They also inquired whether equality of rights between men and women had been achieved and, if not, what differences still existed and what measures were being planned to eliminate them.

167. Clarification was also requested on a number of provisions which were referred to in the report and appeared to be contrary to the principle of the equality of the sexes, particularly those authorizing men to have more than one wife or requiring that the man had to be a suitable match for the woman. Information was thus requested on the attitude of young Syrian women towards the marriage laws; the legal age to enter into marriage; what remedies were available to a Syrian woman whose husband forced her to accept a second wife under the same roof without her consent and, in particular, whether she could file for divorce on such grounds; whether non-Syrian wives of Syrian nationals could leave the country with children of whom they had been given custody;

whether children inherited from their parents in equal shares, regardless of their gender; and whether dependency allowances were paid when female children, and not male children, pursued their secondary education. It was also asked whether the right to one full hour's rest per day was recognized in the same way for fathers or mothers taking care of nursing children.

168. In his reply, the representative of the State party indicated that women's rights had been reaffirmed both in the principles of the Baath Party and in article 45 of the Constitution. Syrian women thus had full freedom to participate actively and fully in the social, economic and cultural life of the country and the Government was endeavouring to eliminate all the obstacles which might prevent them from helping to build a socialist Arab society. They enjoyed the right to vote and to stand for election without any conditions. There were 21 women in the Parliament and 140 in the governing bodies of the provinces. There were also women ambassadors, chargés d'affaires and consuls. The number of crèches and training centres for women was increasing, while the female illiteracy rate was declining.

Article 6: Right to work

169. Members of the Committee wished to receive additional information on the situation, level and trends of employment in the Syrian Arab Republic; on the measures adopted to provide employment for persons seeking work; on any special measures for women, young people, older workers, and disabled persons; on the situation of agricultural workers in comparison with other workers (E/1990/6/Add.1, para. 16): on factors and difficulties affecting the implementation of the right to work; and on collective agreements and judicial decisions aimed at promoting and safeguarding the right to work. They also wished to know whether the ILO Committee of Experts on the Application of Conventions and Recommendations had made any observations concerning the implementation by the Syrian Arab Republic of the ILO Abolition of Forced Labour Convention, 1957 (Convention No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (Convention No. 111) and the Employment Policy Convention, 1964 (Convention No. 122).

170. In reply to the questions raised, the representative of the State party said that work was a right and an obligation for Syrian workers and that it was for the Government to guarantee that right. From 1960 to 1989 the number of workers had risen from 986,000 to 2,892,000 and the proportion of women from 9.1 per cent to 14.8 per cent. In 1981, there had been 98,577 unemployed persons, including 8,778 women, and the illiterate and the unskilled had been the ones most seriously affected. Employment was thus the most serious concern of the country's successive governments, which had adopted a number of action plans, particularly for an equitable number of job vacancies from one region to another. Workers were protected against arbitrary dismissal by various laws and regulations. Agricultural workers' wages guaranteed them a standard of living equal to that of workers in other sectors.

Article 7: Right to just and favourable conditions of work

171. Members of the Committee wished to know whether the ILO Committee of Experts on the Application of Conventions and Recommendations had made any

observations concerning the implementation by the Syrian Arab Republic of the ILO Weekly Rest (Industry) Convention, 1921 (Convention No. 14), the Minimum Wage-Fixing Machinery Convention, 1928 (Convention No. 26), the Hours of Work (Commerce and Offices) Convention, 1930 (Convention No. 30), the Equal Remuneration Convention, 1951 (Convention No. 100) and the Minimum Wage Fixing Convention, 1970 (Convention No. 131), and what the de facto and de jure situation of agricultural workers was with regard to normal working hours, rest, protection of workers who had been dismissed and wage levels. They also requested statistical data regarding changes in levels of remuneration and in the cost of living. In addition, information was requested on religious holidays which created a right to rest, and, in that regard, on the rights of non-Muslim workers; on the role, organization and staff of the Labour Inspectorate; and on how the State guaranteed the right to remuneration as referred to in paragraph 19 of the report.

172. In his reply, the representative of the State party stressed that wages were regularly increased in order to guarantee all persons a decent standard of living. A recent decree had thus raised the remuneration of all members of the civil service by 25 per cent. With regard to the specific observations by the ILO Committee of Experts on the Application of Conventions and Recommendations, the Minister of Social Affairs and Employment was trying to fill the gaps in national legislation in order to implement better the ILO Conventions ratified by the Syrian Arab Republic. The latest report by the ILO Committee of Experts, dated 1991, showed, moreover, that there were few problems in that regard. He also said that government departments were closed during Islamic and Christian holidays and Muslim tradesmen closed on Friday, Jews on Saturday and Christians on Sunday.

Article 8: Trade union rights

173. Members of the Committee wished to know whether the ILO Committee of Experts on the Application of Conventions and Recommendations had made any observations concerning the implementation by the Syrian Arab Republic of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (Convention No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (Convention No. 98); whether restrictions were imposed on the exercise of trade union rights for workers in the public sector and, if so, what their scope was; what the situation of agricultural workers was with regard to trade union rights and the right to strike; and what the percentage of unionized workers was, especially among agricultural workers.

174. It was also asked whether trade unions depended on the Baath Party or were independent; whether trade union uniformity had been imposed on the workers or freely chosen by them; what were the reasons for which the Ministry of Social Affairs and Labour had a say in their property; how was it possible to reconcile the farm workers associations' objective of combating bureaucracy with the growing influence of the public sector in farming; what was the role the State played in collective bargaining; whether wages and conditions of employment of officials were determined unilaterally by the State or as a result of collective bargaining; and what were the remedies public sector officials had to protect their rights and interests. Clarification was also requested on the statement in paragraph 39 of the report that workers no

longer had to resort to the right to strike. In that connection, it was pointed out that the prohibition of the right to strike invalidated ILO Conventions Nos. 87 and 98, which had been ratified by the Syrian Arab Republic, and it was asked whether there had been any attempts to organize strikes, and if so, what had happened to the organizers.

175. In his reply, the representative of the State party said that the trade union committees defended workers against any infringement of their rights and seminars were held regularly in all ministries so that wage earners could learn about their rights. With regard to agricultural work, he indicated that there was a code of agricultural relations whereby workers and their employers could reach agreements on a one-to-one basis. In the public sector, the law determined the length of the working day, from 8 a.m. to 2.30 p.m., for agricultural and other workers. Decree No. 127 of 1964 had established a general federation of agricultural workers for the purpose of organizing them, improving their standard of living and democratizing the agricultural sector through agrarian reforms. Subsequently, a political trade union and a workers' cooperative had been set up, inter alia, to expand cooperation in that sector. The number of agricultural associations had risen from 1,565 in 1970 to 1,900 in 1990. Two agricultural trade unions had also been merged in the interests of the persons concerned. Various regulations guaranteed the rights of agricultural workers. Moreover, neither the Labour Code nor other legislation referred to the right to strike, but the trade unions and the General Federation of Trade Unions protected the rights of workers.

Article 9: Right to social security

176. Members of the Committee wished to receive information on the progress made in the field of social security and health care, since the submission of the last report (E/1978/8/Add.25 and 31), regarding both the benefits provided and the groups protected and the levels of coverage of the population. They also asked whether the ILO Committee of Experts on the Application of Conventions and Recommendations had made any observations concerning the implementation by the Syrian Arab Republic of the ILO Social Security (Minimum Standards) Convention, 1952 (Convention No. 102), the Equality of Treatment (Social Security) Convention, 1962 (Convention No. 118), the Employment Injury Benefits Convention, 1964 (Convention No. 121), the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (Convention No. 128) and the Medical Care and Sickness Benefits Convention, 1969 (Convention No. 130); what the situation of agricultural workers was with regard to the right to social security; and what percentage of the national budget was assigned to social expenditure.

177. Replying to the questions asked, the representative of the State party described the development of social security in the Syrian Arab Republic since its beginnings. Act No. 92 of 1959, as later amended, provided for the social protection of workers in the event of a work accident or death, as well as old-age benefits.

Article 10: Protection of the family, mothers and children

178. Members of the Committee requested clarification of the Personal Status Act, which seemed to favour women over men. In that regard they wished to know exactly what the situation was, in law and practice, in respect of paternal authority, the administration of a couple's property and freedom to work. They also inquired whether the ILO Committee of Experts on the Application of Conventions and Recommendations had made any observations concerning the implementation by the Syrian Arab Republic of the ILO Maternity Protection Convention, 1919 (Convention No. 3), the Medical Examination of Young Persons (Industry) Convention, 1946 (Convention No. 77), the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (Convention No. 78), the Night Work of Young Persons (Industry) Convention (Revised), 1948 (Convention No. 90), the Maternity Protection Convention (Revised), 1952 (Convention No. 103) and the Minimum Age Convention, 1973 (Convention No. 138); how child labour was regulated; what the minimum legal working age was; how many children worked below the legal age; whether the country was confronted with problems of anti-social or criminal behaviour among young people and if so, what were the causes of social problems and what steps were being taken or planned to remedy the situation; whether there were differences in filiation and legal status between legitimate children and children born out of wedlock; whether certain groups of children lacked protection or care; and what was the status of children and young people who had been abandoned or deprived of a family environment. Information was also sought concerning the maternity protection system and about measures adopted or planned, if any, to remedy the situation of women who did not enjoy protection.

179. Additional information was also requested on the meaning of the term "family" in Syrian law; on the possibility that a judge might refuse to allow a marriage if the age difference between the future spouses was too great; on the legal provisions relating to divorce and possible compensation for the wife of a man requesting divorce without valid reasons; and on the fact that all juridical acts relating to children required the father's consent.

180. In reply, the representative of the State party said that, under article 124 of Act No. 91/1959, the authorities were entitled to prohibit the employment of persons under the age of 15 in some sectors of industry. Similarly, persons under the age of 15 could not work at night or work more than six hours per day. The Government was trying to promote the social rehabilitation of juvenile delinquents by giving them technical training, if not primary education. Six rehabilitation institutions for such persons were in operation and young persons remanded in custody were placed in special centres, where their social and family situation was carefully studied.

Article 11: Right to an adequate standard of living

181. Members of the Committee wished to receive information on the current standard of living of the population and developments over the past five years; about the differences between the rural and urban populations as regards enjoyment of the rights set forth in article 11; on the measures adopted to guarantee fair distribution of food; and on measures taken to mitigate differences, if any, in the food situation between various groups of

the population. They further inquired what percentage of the population had adequate housing; what was the number of homeless or inadequately-housed individuals or families; how the system of protection against eviction operated in practice for the benefit of tenants; how many persons were evicted in the past five years; how many persons were lacking legal protection against arbitrary or any other type of eviction; what measures had been adopted to give the people access to adequate housing; what measures had been adopted to protect the environment; and what the role of international assistance was in securing the enjoyment of the rights enshrined in article 11.

182. Additional information was also requested on the steps taken to help the unemployed and the poor in urban areas, more particularly in regard to food and housing; and on methods of production, conservation and distribution of food and their impact in securing the right to adequate food.

183. In his reply, the representative of the State party supplied various statistics on housing, both in the rural and in the urban areas, showing that there was no shortage in that regard. All enterprises and bodies in the industrial sector were required to conduct environmental impact studies and to take the requisite measures to combat pollution.

Article 12: Right to physical and mental health

184. Members of the Committee inquired how the health situation had developed since the submission of the initial report on articles 10 to 12 (E/1980/6/Add.9); what percentage of the national budget was assigned to health care and how such budget allocations had evolved over the past five years; what differences there were between urban and rural areas as far as the realization of the right to health was concerned; what measures had been taken to remedy any disparities; how the requirements of development were reconciled with those of environmental protection; whether AIDS was a health problem in the country, how many people were affected and what means were used to combat the disease; and what the role of international cooperation was in securing the enjoyment of the right to health enshrined in article 12 of the Covenant. It was asked also what roles the public sector and the private sector played in the health field.

185. In reply, the representative of the State party said that the Syrian Arab Republic was trying, so far as it was able, to provide the whole of the population, and particularly persons with low incomes, with health care, in terms of both prevention and treatment. Treatment at public hospitals was free of charge and the State subsidized essential medicines manufactured in the private sector, which played an important role in the health field. National programmes sought to bridge the gap between the rural areas and the urban areas and to provide both the village and the town and city dwellers with access to health services. The number of medical establishments in the rural areas had thus virtually doubled in 10 years, rising from 228 in 1980 to 391 in 1990. Furthermore, medical teams had been formed for health care in the villages. At the same time, the rural population now had greater access to drinking water and to various services such as electricity, education and housing. As to AIDS, there were, to date, only 28 HIV-positive persons.

Articles 13 and 14: Right to education

186. Members of the Committee wished to know how the right of every person to education was ensured in practice; whether the goal of compulsory primary education free of charge for all had already been achieved; what measures had been taken to encourage and intensify basic education for those persons who had not received or completed primary education; whether the plan of action for the progressive implementation of the right to compulsory education free of charge for all mentioned in articles 13 and 14 of the Covenant as drawn up in the Syrian Arab Republic covered adults who had not received or had been unable to complete their primary education; and what the role of international assistance was in securing the enjoyment of the right to education. They also wished to receive statistical information concerning pupils and teachers, by gender, at all levels of the education system, particularly in technical and university education.

187. Clarification was also requested on the extent of State supervision of education, mentioned in the report (see E/1990/6/Add.1, paras. 106 and 109), and its compatibility with the principle of democracy in education, also mentioned in the report; on the average income of teachers compared with, for example, members of the armed forces; on any steps taken by the Government to encourage private education; on the sectors to which girls had access after primary education; and on the implementation of articles 5 and 6 of Act No. 35, on compulsory education.

188. In his reply, the representative of the State party explained that the State earmarked 12.7 per cent of the budget for education and received no outside help in that regard, other than a modest contribution from UNESCO. Education was free of charge at all levels and school textbooks were distributed free of charge to pupils in primary education. The enrolment rate in compulsory education was 97 per cent in 1989 and the remaining 3 per cent were accounted for by handicapped children attending special schools. The salary scales for teachers was slightly higher than those for other public officials.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

189. Members of the Committee wished to know what measures had been taken to preserve Kurdish culture; what difficulties were encountered in giving effect to the right of all citizens to take part in cultural life and what the situation was in this respect in rural areas and among minority ethnic groups; what legislative and other measures had been adopted to give effect to the right to enjoy the benefits of scientific progress and its applications; what benefits the country's least advantaged sectors derived from scientific progress; what measures had been adopted to guarantee the right of a person to benefit from the moral and material interests resulting from any scientific, literary or artistic production of which he was the author; whether there were difficulties affecting the protection of intellectual property; and what impact international cooperation in the scientific and cultural fields had had on the life of Syrians, particularly members of ethnic groups.

190. Clarification was also requested on whether the Ministry of Culture and National Guidance could reject books which attacked revealed religions and on what efforts were undertaken to foster the cultural identity of non-Arab populations.

191. In his reply, the representative of the State party said that all the population groups in the Syrian Arab Republic had been living there for thousands of years. Three religions coexisted in the Syrian Arab Republic: Islam, Judaism and Christianity.

192. Recognizing that he was not in a position to answer the questions on marriage and divorce, the representative of the State party said that written replies would be sent to the Committee later on.

193. The Chairman thanked the representative of the State party for his participation and expressed the hope that the written replies mentioned by the representative could be transmitted to the Committee by June 1992, so that the pre-sessional working group could consider them at its next meeting.

Concluding observations

194. In concluding its consideration of the second periodic report by the Syrian Arab Republic, the Committee noted that the information submitted in writing as well as the oral replies by the representative of the State party to the questions raised did not fully reflect the actual situation in the country in regard to the implementation of the Covenant. Some questions had not met with replies, whereas other replies were incomplete. This had been the case, inter alia, in respect of questions relating to: the structure of the Baath Party; the situation of women in the event of divorce, within the family and, more generally, in all fields in the life of the country; agrarian reform, housing policy; trade unions as well as to the right to strike. Lastly, the Committee noted with satisfaction that additional information of a legal nature would be transmitted once the State party received the Committee's report on its sixth session.

Finland (arts. 13-15)

195. The Committee considered the second periodic report of Finland concerning the rights covered by articles 13 to 15 of the Covenant (E/1990/7/Add.1) at its 11th, 12th and 16th meetings held on 2 and 4 December 1991 (E/C.12/1991/SR.11, 12 and 16).

196. The representative of the State party who introduced the report stated that Finnish policies, like those of other Nordic countries, were based on balanced development of civil and political rights on the one hand and economic, social and cultural rights on the other. She explained that the ratification of international human rights instruments by Finland had been the catalyst for the reform of the Constitution of 1919 and for the inclusion of references to economic, social and cultural rights, with the exception of the right to work. The representative noted that the Finnish Administration had a tendency to consider that there were no problems in regard to human rights in

Finland since Finnish legislation conforms to the various international human rights instruments to which it is a party. To ensure that civil servants were sufficiently aware of the obligations for Finland under these instruments a training seminar for this purpose had been planned for March 1992.

197. The representative also noted that, although Finland had traditionally been an emigrant nation, it was becoming an immigrant nation and was evolving from a monocultural to a multicultural society. Finland had had, therefore, to adapt to a changing situation which was both a challenge and a resource for the country. With regard to minorities, there were presently 6,000 Sami, 6,000 Romanies, 1,200 Jews and 1,000 Tartars in Finland, among a total population of 5 million. Finland had the highest rate of female parliamentary membership in the world (38 per cent) and women comprised the majority of those participating in the fields of education and culture.

General matters

198. Members of the Committee asked for information on the measures taken to guarantee the exercise of the rights covered by articles 13 to 15 without any discrimination as to race, colour, creed, national or ethnic background; on the measures undertaken to publicize and promote the rights set forth in the Covenant; and on steps taken to facilitate a public discussion of the obligations assumed under the Covenant. Members also wished to know the extent to which non-nationals were guaranteed the rights covered under articles 13 to 15 and whether the provisions of the Covenant may be invoked by an individual before a court.

199. In reply to the questions asked, the representative of the State party explained that human rights were publicized and promoted in Finland through various programmes, projects and publications distributed free of charge. The conventions and recommendations of UNESCO concerning human rights, for example, had been published in Finnish.

200. The representative also drew attention to the creation in 1989 of a consultative body, the Advisory Board on International Human Rights Affairs, for the purpose of ensuring broad participation in the public debate over international and national human rights questions. Since 1990, reports submitted by the Government of Finland to the United Nations human rights treaty bodies had been published in Finnish and English and were thus available to citizens and non-governmental organizations for evaluation. Before embarking upon the preparation of a report to a given treaty body, the Advisory Board holds debate on the consideration of the previous report. The second periodic report of Finland to the Committee, however, had not been submitted to the Advisory Board.

201. In reply to specific questions about the Advisory Board, the representative explained that the current membership included individuals from political parties, research institutions and other organizations. One member was drawn from the Finnish section of Amnesty International, another from the Finnish Red Cross and another served as the Deputy Parliamentary Ombudsman. Disabled or minority groups were not represented but the Chairman of the Board was a member of Finland's Swedish-speaking minority.

202. The representative noted that there had been few references to economic, social and cultural rights in the courts, perhaps because it was felt that few of those rights could be enforced by means of individual court cases.

203. Concerning the status of the Romany population, the representative explained that there had been much discussion in Finland about the dilemma of trying to integrate the Romanies into the modern world while helping them to retain their identity and culture. The Romanies were socially disadvantaged and up to 20 per cent of them either lived in poor housing or were homeless. An official organ, the Advisory Board for Romany Affairs, had been created to safeguard their interests. Additionally, a committee had been studying a data system for Romany children. The report drawn up suggested a number of practical ways of promoting their identity from childhood onward. In 1991, Finland hosted a summer school for Romanies from all over Europe and further activities of this nature were envisaged.

Articles 13 and 14: Right to education

204. Members of the Committee requested information on the reforms in upper secondary and vocational education and whether these reforms had brought about greater regional equality; whether there were regional or other disparities in the accessibility to or availability of education; on the number and percentage of students in higher educational institutions, vocational training institutions and secondary schools; as well as detailed statistical information, including gender, ethnic, religious and national background, concerning school drop-outs. Members also wished to know about restrictions or limitations, if any, on free access to education by foreigners on the same basis as nationals; how the teaching of human rights was incorporated into school curricula; and what had been the scale and the impact of immigration on the field of education.

205. Members of the Committee requested further information regarding vocational training schools, including regulations relating to the standardization of curricula and teacher training requirements; on specific measures being taken to enable vocational school graduates to secure employment; and on the percentage of vocational school graduates who were unemployed. Members also wished to know the percentage of disabled persons attending special schools and the measures taken to integrate them into the educational system; the measures undertaken to ensure that the impending decentralization of the budgetary process will not adversely affect the right of all groups to educational opportunity; and the situation concerning drug addiction among youth, including the measures taken, particularly in the field of education, to improve the situation. In addition, members asked for information on the collective bargaining system for the negotiation of terms and conditions of employment and wished to know whether teachers had the right to strike and how the salaries and conditions of work for teachers compared to those in comparable posts in the public and private sectors.

206. In reply to the questions raised, the representative of the State party explained that the Government had recently adopted measures to make education more widely accessible, to raise the level of education and to ensure greater

educational equality among the various regions and groups in Finland. This effort had taken place against the background of a rapidly changing social and economic situation in the country. In Finland, 18.5 per cent of Government expenditure was designated for education, which was second only to health and welfare as the sector with the largest single budgetary allocation. For the near future, it was foreseen that municipalities would take an increasing responsibility for the allocation, by sector, of central Government financial support.

207. Additionally, the representative pointed out that there had been significant reform regarding teaching qualifications in Finland during the 1980s. The goals of this reform were threefold: to broaden the range of professional competency, which had been until then narrow and highly specialized; to facilitate greater access to teachers' colleges and to universities; and to permit anyone wishing to pursue studies in higher education to do so. For example, graduates of technical institutes could now enter the university, whereas previously this was not possible. Competition for admission to the universities was intense, however, as there were sufficient places to admit only about 20 per cent of all individuals who applied. In order to improve this situation, a number of new public universities had been established. In some cases, these were formerly private institutions which, for reasons of financial difficulties, had passed to the control of the State. University education as well as secondary and professional training schools were provided free of charge.

208. As a result of the educational reforms undertaken by the Government, the programme for teacher training had been extended from a minimum of two years to three-and-a-half years, thereby permitting the individual to take fuller account of the increasingly complex Finnish society. Legislation passed in January 1991 provided for the establishment of private schools where students would become eligible for State and municipal aid and receive an education free of charge. In any event, parents had the right to remove their children from State schools and have them educated at home, where they were tested by officials each year to ensure that they were receiving a proper education.

209. In regard to the traditional roles assigned to men and women, the representative pointed out that a new project had been launched to encourage boys and girls to ignore stereotypes when choosing occupations. She noted, however, that educational equality was inseparably linked to economic equality and that men could not be expected to choose low-income jobs that were traditionally reserved for women. In 1990, 55.8 per cent of new university students were women, a trend attributed to the fact that girls tended to concentrate on subject material leading to higher education whereas boys tended to focus more on vocational training.

210. In response to questions concerning special schools and groups, the representative explained that severely disabled children were educated in special State schools. There were nine such schools serving a population of about 500 disabled children. The goal of educational policy in Finland, however, was to integrate disabled children into regular schools and many teaching assistants had been hired to assist in this regard.

211. Concerning the Sami population, the representative noted that there had been a significant change in attitude over the last two decades. Since 1983, the Sami have been able to follow general courses in their own mother tongue and, since autumn 1991, could also complete their secondary education in the Sami language. School textbooks in Sami were still difficult to procure, but considerable efforts were being undertaken to rectify that situation. There was a quota of university places reserved for Sami students at the universities of Oulu, Lapland and Helsinki. Additionally, Oulu University offered courses for the Sami wishing to become teachers.

212. The representative stated that refugee children had a special right to comprehensive education for one year in separate groups comprised of at least four pupils. Otherwise, they were placed in regular classes and given special remedial instruction. Foreign children, whose numbers had increased significantly in recent years, had equal rights with nationals to attend every type of school and university.

213. With regard to the problem of drug use among youth, the emphasis in Finland had been on prevention by ensuring good living conditions and the provision of other interests and activities to children and young people. Alcohol abuse remained the principal problem and limitations on publicity for alcoholic drinks had been recently introduced. Responding to questions concerning adult education, the representative drew the attention of the Committee to a new law, adopted in January 1991, that will allow individuals to quit their jobs more easily in order to continue their education.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

214. Members of the Committee requested information on how the determination was made as to whether associations for the purpose of the enjoyment of culture were "legal", or not against the "common good" (see E/1982/3/Add.28, p. 7, second paragraph), and whether there was an appeals procedure in that regard. Members also asked for further information concerning regional disparities in the availability or accessibility to culture or cultural facilities; the place of education and culture in the overall socio-economic development plans of the country; the percentage of the national budget allocated to education and culture; developments in the coordination of activities concerning radio and television and whether independent broadcasting stations could operate without Government interference; practical measures being taken for the realization of the right to participate fully in the cultural life of the country; and cultural activities and programmes especially for the benefit of older persons. Additionally, members wished to know about restrictions or difficulties in the enjoyment of the right to scientific progress and practical measures, if any, being taken to improve the situation.

215. In his reply, the representative of the State party explained that Finnish cultural policy in the 1970s had focused on democratization at the grass-roots level. Regional networks and art councils had been established to manage theatres, museums and art galleries. The representative noted that the

Council of Europe had commended Finnish policies for promoting cultural activities. For young people, there were various kinds of music schools and conservatoires, which were very popular and attended by as many as 45,000 pupils. There were also schools for the fine arts as well as for arts and crafts. At the end of 1991, the Government would submit to Parliament a bill on basic education in the arts.

216. Regarding cultural activities and programmes especially for the benefit of older persons, the representative observed that the elderly represented a growing proportion of Finnish society and that they participated increasingly in political activity. A political party set up to further the interests of the elderly had met with little success but recently there had been sizeable demonstrations by older persons in response to the current economic crisis. The cultural centres in larger cities were very popular among the elderly and special prices for events were offered for them.

217. Concerning the protection of the works of authors and composers, the representative noted that Finland was a party to the international conventions on copyright and the work of all creative artists was protected, regardless of nationality. There was also a centre of studies against reprographic piracy, although the problem was not a serious one in Finland.

Concluding observations

218. The Committee expressed its gratitude to the representatives of Finland for the presentation of the report and for the detailed responses to the written questions submitted by the pre-sessional working group. As to the report itself, the prevailing opinion was that it was too short and not sufficiently informative. It did not do justice to the situation in the field of education and culture existing presently in Finland, which, as was noted, could serve as a model for many other countries.

219. A few critical remarks by the Committee concerned the disparities still existing among the regions, the insufficient proportion of women working in certain areas of the economy, and the disappearance of private educational institutions, due perhaps to insufficient financial support and the failure of the Government authorities to authorize the necessary certificates, the problem of school drop-outs, and the possibility of regression in respect of advances in education arising from decentralization and the new provision of funding for education through municipalities.

220. The Committee sought further information on the problems of minorities, immigrants, and physically and mentally disabled children. The role of the Advisory Board for International Human Rights Affairs, including its composition and participation in the preparation of reports to international supervisory bodies, also required further clarification. The Committee was also interested in programmes for teaching human rights at schools and in the role of trade unions and employers in setting standards for vocational education to safeguard its practical pro-industry orientation.

221. The responses of the Finnish representatives to the above queries were generally satisfactory. So far as answers were not available, the delegation

promised to provide further information. The Committee expressed its satisfaction with the significant strides made by Finland in the implementation of articles 13 to 15 of the Covenant.

Sweden (arts. 13-15)

222. The Committee considered the second periodic report of Sweden concerning the rights covered by articles 13 to 15 of the Covenant (E/1990/7/Add.2) at its 11th to 13th and 18th meetings, held on 2, 3 and 6 December 1991 (E/C.12/1991/SR.11-13 and 18).

223. The representative of the State party, in introducing the report, explained that his oral presentation would provide answers to the questions raised by the pre-sessional working group and bring the report up to date.

General matters

224. Members of the Committee wished to be provided with a country profile, including information on the land and people, economic, social and cultural characteristics, and the legal framework within which human rights were protected; further information concerning measures taken to promote the full realization of the right of everyone to education with a view to achieving both understanding, tolerance and friendship amongst all racial, ethnic and religious groups and respect for human rights and fundamental freedoms; information on what action had been taken as a result of the cooperation and dialogue with the Sessional Working Group of Governmental Experts subsequent to the consideration of the initial report (E/1982/3/Add.2); and additional data and appropriate statistics to supplement information contained in the report.

225. Members of the Committee also wished to know why the disparity between the earnings of men and women existed; what measures had been taken to improve the situation and whether studies on the matter had been conducted; whether chapter II of the Constitution was an integral part of Swedish domestic law and whether citizens could invoke its contents before the courts; what was the status of the Law Council; and whether the Lutheran religion held the status of a State religion.

226. In his reply, the representative of the State party informed the Committee that according to land mass, Sweden was the fourth largest country in Europe although its population only numbered 8.6 million people, of whom approximately 85 per cent lived in urban areas.

227. Referring to the differences in population composition prior to and following the Second World War, he indicated that the country had previously been quite ethnically homogeneous whereas today immigrant groups, the largest being from Finland, Yugoslavia and the Islamic Republic of Iran, existed alongside the Sami, Finn and Gypsy minorities.

228. The representative also informed the Committee that Sweden was a secular society, although 95 per cent of the population were members of the Lutheran

State Church, and that Sweden as an industrialized State in the twentieth century had developed a social security system and had been able to offer its population a high standard of living.

229. Fundamental rights and freedoms, including social and cultural rights, were set out in chapter II of the Swedish Constitution, which also provided for the protection of freedom of the press and freedom of expression. Courts of law existed for the administration of justice and State, with municipal administrative authorities being responsible for public administration. All of them had, to a greater or lesser extent, jurisdiction affecting human rights. No constitutional court existed in Sweden and there was no other authority that had the power to take a stand on matters solely from the viewpoint of human rights as expressed in international human rights standards. In addition there were three ombudsman institutions, the Office of the Parliamentary Ombudsman, the Office of the Equal Opportunities Ombudsman and the Ombudsman against Ethnic Discrimination. Treaties, in order to become part of the law, had to be transformed or formally incorporated into Swedish statutes and all new legislation was examined to ensure its conformity with international instruments ratified by Sweden. The Law Council examined the constitutionality of any new legislative text proposed by the Legal Department of the Ministry of Foreign Affairs. According to the jurisprudence of the Supreme Court, national law was to be interpreted and applied in the light of Sweden's international obligations in the field of human rights.

230. While it was possible to invoke chapter II of the Constitution in Swedish tribunals, a provision decided upon by Parliament or the Government could only be set aside by a tribunal if a fault was manifest. With a new Government in power, it was too early to say whether or not Sweden would follow other European countries by automatically incorporating its international human rights obligations into its legislation.

231. The Law Council was not a constitutional court and did not act as a tribunal. Its function was to examine proposals for legislation being put to Parliament to ascertain their constitutionality.

232. The representative of the State party also informed members of the Committee that Parliament had amended the School Act of 1985, which laid down the principles and fundamental objectives of the public school system. The new law stipulated that young people of school age had equal access to education irrespective of gender, place of residence, social and economic circumstances; that education should be conducted in conformity with fundamental democratic values and promote respect for the dignity of all; that education must be of the same quality wherever it was provided and whatever the race or ethnic origin of the pupils. He noted that all of these provisions helped further understanding, tolerance and friendship among the different population groups. To promote awareness of human rights, efforts had been made to disseminate, inter alia, the texts of human rights instruments to the public and the contents of the Convention on the Rights of the Child within Swedish schools, as well as to include within the law curricula courses on human rights and fundamental freedoms.

233. In reply to other questions, the representative of the State party informed the Committee that the difference in salary between men and women may be explained by the fact that women chose to work part-time and that often women were employed in those sectors where the income was relatively low. However, owing to the specific measures taken by the Government with regard to low paid employees and the amendments to the Equal Opportunities Act specifically prohibiting differences in male and female salaries, as well as the obligation of employers to close such gaps wherever they existed, salary differences were not in fact very great. Disputes could usually be settled through the unions or the competent ombudsman, and court action was seen as a last resort.

234. Citing the most extreme differences in the distribution of male/female employment, the representative informed the Committee that in the technical professions women accounted for only 24 per cent of personnel whereas in the health profession 80 per cent of the personnel were female. Of the teachers at the university level, 46 per cent were women, 6 per cent of whom held full professorships.

235. As regards the question of religious rights, the representative indicated that the difference between a State religion and a State church was that in the latter case citizens were free to choose their religion which is the system that exists in Sweden.

Articles 13 and 14: Right to education

236. Members of the Committee wished to know whether the municipalities had a legal obligation under the School Act to provide youngsters under the age of 18 with either education, vocational training or work. They also asked to be provided with a breakdown of the youth population as well as with comparative statistics, data and information demonstrating the evolution in the realization of the right to fundamental education and the development of a system of schools at all levels. Further information on the reform programme "which aims at a higher flexibility and modernization of primarily vocational education" was also requested (see E/1990/7/Add.2, para. 21).

237. Members also wished to know what percentage of children were covered by primary education; what percentage of the population completed primary education; what percentage of young people received and completed secondary education; what percentage of university students did not receive full government grants; what was the rate of unemployment among youth; what percentage of the handicapped and disabled attend special schools and if there were any regional disparities; what difficulties if any were encountered in the provision of fundamental education to immigrants and foreign workers who had not had such education in their countries of origin; and whether there were any serious regional disparities in the accessibility of education.

238. Members of the Committee were also interested to know whether or not the Committee's consideration of Sweden's initial report had been instrumental in the adoption of some reforms mentioned by the representative; what criteria were applied by the authorities in issuing authorizations for the establishment of private primary schools and whether there was any possibility

of appeal against a refusal to issue an authorization; at what level and from what age were pupils involved in taking decisions; whether there was any form of restriction on the freedom of expression of refugee students who received financial support; and what the situation of women was in education, in particular the number of women teachers and students in higher education and whether there were any special programmes designed to train women for non-traditional activities.

239. It was also asked whether any programmes had been implemented to combat the drug problem; whether Sweden made use of the experience of senior citizens in the educational field, in particular, whether retired teachers were given an opportunity to continue their involvement in academic life; what the experience in Sweden had been as regards violations of the legal requirement for equal opportunities for men and women at work and in obtaining redress in court; whether teachers were civil servants; what was the salary of primary, secondary and university level teachers; what collective bargaining arrangements existed for teachers and what were their retirement conditions; whether tuition at the secondary level was free of charge; whether handicapped persons of limited means were given financial support to pay for their room and board; what was the number and percentage of pupils and students enrolled in secondary, vocational and higher education; and whether any special measures had been taken to cater for exceptionally gifted students.

240. In his reply, the representative said that the new principles mentioned in paragraph 9 of the report referred to the fact that responsibility for assuring equal access to education was vested in Parliament and the Government through the newly created National Agency for Education, while responsibility for the organization of educational activities rested with municipalities and county councils. Other changes included the establishment of a new institute to deal with the question of the disabled in the school system; the reaffirmation of the responsibility of municipalities as the employers of teachers and regarding measures to guarantee the quality of teaching; adjusting the availability of State subsidies to municipalities in relation to the size and density of their population; and the inclusion from 1 July 1991 of provisions with regard to adult education and elementary education in the Swedish language for immigrants.

241. Replying to other questions, the representative informed the Committee that compulsory school attendance covered all children aged between 7 and 16, all of whom had the right to receive a public education. In 1987, 79 per cent of the total population had completed the nine years of compulsory education, whereas in 1980 only 66 per cent had done so. In both the nine years of compulsory school and in upper secondary school, male and female students were enrolled in almost equal numbers; 69 per cent of teachers in primary schools were women and they represented 44 per cent of the secondary school teaching staff. Special schools existed for the mentally disabled who were unable to attend ordinary primary school, the total number attending such schools being approximately 11,500, corresponding to 0.95 per cent of all children in primary and secondary education. Physically handicapped children were normally integrated into the ordinary primary schools except for those who were deaf or suffered from impaired hearing. There were 9 special schools in Sweden, attended in 1990 by 684 pupils. The Swedish State assumed

responsibility for all special schools and covered all costs, including those relating to lodging and transportation of pupils to and from school.

242. Regarding secondary education, the representative informed the Committee that 90 per cent of people in Sweden finished some kind of secondary education; that 52 per cent of secondary education pupils were enrolled in academic courses while the remaining 48 per cent followed vocational programmes; and that 5 per cent of young people between the ages of 16 and 19 were unemployed. Municipalities were required to bear the costs of transport for secondary, as well as primary students who lived more than 6 kilometres from school.

243. Since 1 January 1991, seriously disabled students had been entitled to attend, until the age of 23, the three specially designed secondary education boarding schools, catering for 80 pupils. Most of the costs were borne by the State except those relating to room and board. The difficulties encountered in the provision of fundamental education to immigrants and foreigners related both to the heterogeneous composition of these groups and to having to arrange to teach basic reading and writing skills in their own language to illiterate immigrants in small municipalities.

244. During the 1990/91 school year, approximately 80 per cent of college and university students received State financial support, whereas the remainder chose to finance their own studies. The criteria and obligations pertaining to the establishment of private schools were the same as those for public schools in that each had to promote the values that were fundamental to Swedish society and adhere to democratic principles of tolerance and equality of rights.

245. Regarding teachers' salaries and working conditions, the representative said that teachers were considered local civil servants; that their salaries were comparable to those of civil servants with similar academic qualifications; and that they could enter salary negotiations and were protected by collective bargaining agreements. Teachers sometimes continue with their professional activities after retirement.

246. In the schools, students were regularly informed of the dangers of drug abuse. Responsibility for individual cases rested with the social services working in cooperation with the schools, the police, competent non-governmental organizations and others. According to the latest figures available, the total number of students in secondary education was 290,000. No figures on the phenomenon of school drop-outs were available but this did not mean that the problem did not exist.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

247. Members of the Committee wished to know whether there were any serious regional disparities in the availability or accessibility of cultural opportunities and facilities and what specific measures had been taken to provide cultural opportunities and facilities to the population in remote

parts of the country; what the place of education and culture was in the overall plans for the socio-economic development of the country; what percentage of the national budget was allocated to education and culture; what measures were being taken to maintain the cultures of the indigenous peoples; what measures were being taken to support private organizations and institutions to undertake research and creative activities; and what actions had been taken as a result of the cooperation and dialogue with the Sessional Working Group of Governmental Experts subsequent to the consideration of the initial report.

248. Members of the Committee also wished to know whether there were any government controls or measures to monitor or regulate audiovisual media, in recognition of their impact on attitudes and values, especially among young people; whether the legislative measures taken against illicit production of sound and visual recordings concerned foreign recordings as well; whether underprivileged groups, referred to as being a major target of Swedish policy, were the same as the minority groups, including the Sami and immigrants; whether the Government had taken any steps to ease the marginalization that the Gypsy population often suffered in other European countries; whether the reported 0.7 per cent of the national budget allocated to cultural activities was sufficient to attain the objectives of the Covenant; whether the aim of subsidies to large cultural institutions was to make the activities more affordable for the majority of people or simply to maintain them; whether the quality of science suffered from the lack of incentives due to subsidies being given to all cultural institutions; what criteria were used to select foreign language material and films; whether there was any government policy as to subsidizing sport; whether satellite television was popular and what was its impact in cultural terms; and whether there was any kind of cultural censorship.

249. In addition, members wished to know whether there were any special educational institutions providing instruction in music, dance, dramatic art and sport or through correspondence courses; whether there was any additional budget allocation for local cultural bodies; whether the Government provided special facilities, such as specially priced cinema or theatre tickets, for elderly people with low incomes; whether the recent change of Government would have any impact on the allocation of resources and on the enjoyment of rights under the Covenant; and what special measures, if any, was the Government taking or proposing to preserve the cultural identity of various groups and to harmonize within a single framework the cultural diversity of what seemed to be the Sweden of the future.

250. In reply, the representative of the State party informed the Committee that opportunities to take part in cultural life varied in Sweden due to its size and small population. The State promoted decentralized cultural activities in all parts of the country, mostly through financial subsidies, the most important form of which was support for regional cultural activities such as the National Theatre Centre, the Institute for National Concerts and the National Exhibitions Service which operated throughout the country. Central cultural institutions also provided expertise and services in the form of touring exhibitions and through theatrical and operatic tours. Libraries existed in all 24 counties and museums in 22 counties. The number of county

theatres had increased by 11 in the past 15 years and 23 of them received State support. The Government also subsidized 12 regional and local orchestras, 6 more than in 1973.

251. The Sami as both an ethnic minority and as an indigenous population, enjoyed a special status in Sweden, resulting in a special national budget allocation for subsidies to Sami culture since 1977. Decisions on the use of the allocation were taken by the Cultural Delegation of the Sami Fund, a majority of whose members were Sami. During 1991/92, this Delegation would be distributing over 6 million Swedish krona to support various Sami organizations, cultural projects and research as well as a special Sami museum and Sami theatre. In addition, the Sami Research Institute in Norway was financed in cooperation with the other Nordic Governments. The Swedish Government was planning to introduce a comprehensive bill in 1992 concerning the Sami.

252. Concerning State support for private scientific research and creative activities, the representative indicated that Sweden concentrated on channelling public resources to university colleges, universities and research councils and that research and development was to a very large extent conducted by these institutions. The fund allocation system and the diversity of funding sources promoted the independence of researchers. Describing the links existing between university colleges, universities and industry, the representative referred to the Swedish system of joint venture research institutes, which were funded by the State and business consortia roughly on a 50-50 basis and noted that there were now some 30 such institutes. No provisions existed to prevent anyone from conducting research privately or from establishing private research institutes.

253. State budget allocations for primary, secondary and higher education, including research and financial support to students, amounted to approximately 13 per cent of the national budget, and for cultural activities, including the media, to 0.7 per cent.

254. With regard to copyright matters, the Committee was informed that the National Committee for the Revision of the Copyright Law had concluded its work, the final report having been circulated for comment. The Committee's suggestions for legislative change were mainly aimed at strengthening the rights of authors, artists and photographers and were currently being considered within the Ministry of Justice. A Government bill with proposals for amendments to the relevant acts was expected in the course of 1992.

255. In reply to other questions, the representative of the State party noted that radio and television stations were established by licenses accorded by the Swedish Broadcasting Corporation. The Government had also made an agreement with a private company, whose income was generated through advertising, to broadcast programmes, of which at least 50 per cent had to be in the Swedish language. Satellite television was not subject to any particular regulation. The rights of authors were protected under Swedish legislation as were those of physical and juridical persons from other

countries that were parties to the Berne Convention for the Protection of Literary and Artistic Works. Only films were subject to censorship, particularly violent films and those destined to be viewed by children.

256. Special measures were being taken to preserve or support the cultural identity of immigrants and Gypsies, notably through State subsidies given to immigrant organizations, newspapers, literature production and libraries. The provision of mother tongue education to the children of immigrants in public schools and broadcasts of radio and television programmes in the languages of the principal immigrant groups were also subsidized. Municipalities and local councils also financed cultural activities. Special educational programmes were produced and broadcast for use in schools and a commission had been appointed to study the possibility of introducing distance education through the media. Subsidies to cultural establishments were intended to benefit as large a proportion of the population as possible and enabled such institutions to reduce the price of entrance tickets. It was not yet clear what the cultural policy of the new Government would be.

Concluding observations

257. The Committee expressed its satisfaction with the full and detailed answers the representative of Sweden had been able to give to the questions raised by the pre-sessional working group. They had done much to make up for a Government report which, in its view, was too brief and did not reflect the degree to which the Covenant was being applied. It noted the considerable efforts Sweden had made to give effect to the rights covered by articles 13 to 15, in particular the progress in primary education and educational assistance for the handicapped.

258. The Committee was nevertheless concerned about the status of the Covenant under Swedish domestic legislation and opportunities for individuals to invoke the Covenant before the courts.

259. While noting with satisfaction the action Sweden had taken in the area of cultural rights, the Committee was also concerned for the fate of ethnic minorities such as the Sami and Gypsies, feeling that emphasis should be laid on the need to help them preserve their cultural identity and on the efforts that must be made to promote their cultures.

Spain (arts. 13-15)

260. The Committee considered the second periodic report of Spain concerning the rights covered by articles 13 to 15 of the Covenant (E/1990/7/Add.3) at its 13th, 14th, 16th and 22nd meetings, held on 3, 4 and 10 December 1991 (E/C.12/1991/SR.13, 14, 16 and 22).

261. The representative of the State party introduced the report and explained that the educational system in Spain had just undergone profound change and that the new system accorded particular attention to socio-economically disadvantaged and handicapped children. The Fundamental Act on the Right to Education also allowed for more democratic participation from parents, teachers and students in the administration of schools.

262. A new organic law provided for raising the compulsory school leaving age to 16 and for a complete restructuring of the educational system so that the general education system would cover pre-schooling, primary and secondary schooling. The new law, which applied both to public and private education, would also make it possible to meet the requirements of a transformed Spanish society and to adapt the system to the needs of the labour market.

263. With respect to cultural matters, the representative noted the pluralistic nature of culture in Spain as a consequence of the various national languages existing in the country and referred to the important role played by the autonomous communities in the promotion of their culture. According to articles 148 and 149 of the Constitution, museums, libraries, conservatoires of music, monuments as well as the development of culture, research and education in the community language came within the purview of the autonomous communities, while the State had exclusive competence in legislative matters relating to intellectual and industrial property, the development and coordination of science and technology, regulation of the mass media and protection of the country's culture. Conflicts of interest were dealt with by the Constitutional Court.

General matters

264. Members of the Committee wished to know what difficulties the Government was encountering in fulfilling its obligations under articles 13 to 15 of the Covenant; what impact educational reforms were having on Spain's fulfilment of its obligations under those articles; what progress had been achieved since the submission of the initial report (E/1982/3/Add.22) in the practical realization of those articles as a result of legislation, court decisions, collective agreements or otherwise; and what action had been taken as a result of cooperation and dialogue with the Sessional Working Group of Governmental Experts subsequent to the consideration of the initial report.

265. Members of the Committee also wished to know whether nationals of Equatorial Guinea living in Spain experienced discrimination in the fields of education and work; whether the 1492 decree expelling Jews from Spain still applied; what percentage of the budget was allocated to education and culture in the Basque region; whether the Government had encountered any difficulties in complying with articles 13 to 15 of the Covenant in that region; and whether the Covenant was automatically applicable or required a special law for its application.

266. In reply, the representative informed the Committee that difficulties encountered in ensuring compulsory education had arisen within the context of educating certain ethnic minorities, notably the Gypsy minority, but that this problem was being overcome due to the integration measures being pursued. Parental choice of schooling had also presented problems, especially where the school received public subsidies but this question had since been settled by a Supreme Court ruling which declared that the State was not required to finance private schools entirely.

267. The representative also gave further information on the measures being taken to integrate into the classroom situation children from

disadvantaged backgrounds with learning difficulties as well as physically and mentally handicapped children, noting that 753 schools, 2,000 teachers and 1,500 students were participating in the programme. A system of compensatory education, offering vocational or literacy training, also existed to meet the needs of young people, including those from marginalized or immigrant groups, who for a variety of social, economic or geographical reasons were illiterate or dropped out of school. There was also a system of adult education which included efforts to eliminate illiteracy and measures for distance learning.

268. Regarding school attendance, the representative noted that 100 per cent attendance had been reached for children aged 6 to 13, and that it was nearly 100 per cent for children aged 4 and 5 and 14 and 15. Some 63 per cent of children aged 16 to 17 also attended school. Within the last decade, budget allocations to education had increased from 6.8 billion pesetas to 64.9 billion pesetas annually, representing about 4 per cent of GDP.

269. In reply to other questions, the representative of the State party indicated that article 50 of the Constitution provided for some special support to the elderly similar to that provided for young people. If Spanish legislation was not in conformity with Spain's international treaty commitments, it would be modified since the Constitution stipulated the supremacy of international treaties over Spain's domestic law.

Articles 13 and 14: Right to education

270. Members of the Committee wished to know how the provisions of article 2, particularly subparagraphs (a) and (e), of the Fundamental Act on the Right to Education of July 1985 had been put into effect in Spanish schools; whether any restrictions existed as to access to education by foreigners resident in Spain; in what proportion public and private funds contributed to the financing of education; whether the State placed any restrictions on the content of the instruction provided in private schools and, if so, in what form; to what extent scholarships and grants assisted pupils and students from low-income families; what system existed to provide vocational retraining for adults; what difficulties were being encountered in the implementation of the right to fundamental education, particularly in respect of disadvantaged groups and groups living in rural and remote areas; what difficulties were being encountered both in the public and private sector in the recruitment of qualified staff and in improving the remuneration and working conditions of qualified teachers, particularly in rural areas; and what measures had been taken or were being contemplated by the Government to overcome these difficulties.

271. Members of the Committee also wished to know whether scholarship students had any obligation towards the Government once they had completed their education; what incentives were used to attract competent teachers to teach in remote areas; whether students participating in literacy campaigns were taught reading and writing in their mother tongue if they spoke a language other than Spanish; whether allegations that the Basque language was subjected to discrimination by the Spanish Government were accurate; whether the educational system was designed to provide all citizens with

equal opportunities or merely to achieve development objectives linked to the modernization of Spain's economy; whether languages other than Castillian Spanish were taught in other regions than those in which they were spoken; and whether any targets had been set by the authorities to overcome overcrowding in universities. In addition, members wished to know how teachers' salaries compared with salaries in industry; whether the salaries of university professors were sufficient to provide them with a decent income; what the difference was between private schools that were 100 per cent subsidized by the State and public schools; whether the working conditions and salaries of teachers in private schools differed in any way from those in public schools; what had been the reaction of the Catholic Church to the new organic law on education; whether there were sufficient places offering practical training to students in vocational training courses; and whether the experience of retired university lecturers was made use of to overcome the problem of teacher shortages in Spain.

272. Concerning vocational education, members wished to know what difficulties had been encountered in carrying out required reforms; what percentage of students in vocational training were women; what the level of remuneration was for persons who received vocational education; whether the shop-floor aspect of vocational training constituted preparation for a specific job; how vocational training in Spain was financed and who had responsibility for policy formulation in the vocational training sphere.

273. It was also asked whether there was a problem of drug abuse among pupils and students in Spain and, if so, on what scale and what measures had been taken or were planned in that regard; what the Ministry of Education and Science had done to incorporate the general problems of AIDS and drug addiction into the health education curriculum; whether there was any evidence of male or female prostitution in educational establishments; what steps the Government was taking to address problems of out of school youth or street children; and what assistance was available to enable unmarried mothers to continue their studies.

274. In reply, the representative stated that measures aimed at the development of a child's personality involved adapting the instruction to the pace of the various pupils, providing a flexible school organization and increasing motivation by involving the children actively in the organization of the school or institute. Concerning efforts to address problems in the educational field stemming from the linguistic and cultural plurality of Spain's population, it was noted that the report for 1989/90 of the State Council on Schools, which contained some criticism, would receive the close attention of the authorities.

275. Replying to other questions, the representative said that there were no restrictions on access to education by foreigners; that private schools were required to abide by the academic regulations in force and that the State monitored compliance with such regulations through the provincial services of the Schools Inspection Unit; that scholarships and other assistance were sufficient to enable students from low-income families to attend all levels of educational institutions; and that the aim of the system for vocational training for adults was to fit workers for a particular profession or

occupation through highly practical training courses which did not follow the normal school terms and which awarded certificates of competence in the occupation concerned.

276. Efforts to overcome the difficulties encountered in providing education for disadvantaged groups living in rural and remote areas involved special programmes, including the establishment of school units or partial basic general education (EGB) centres for young children. Older children were provided with free transport to attend higher classes in the EGB cycle at larger regional centres. Travelling teachers working in the supplementary education programme went to rural schools for several days per week to teach physical education and Spanish and assisted local teachers in the rural college groups.

277. Answering the question on the difficulties in the recruitment of qualified teaching staff, the representative of the State party informed the Committee, inter alia, that working conditions had improved; that teachers were given the opportunity to receive further training in teacher training colleges in each province, especially in view of the new curricula and subjects being introduced; and that a number of agreements had been signed between the Ministry of Education and Science and the trade unions.

278. There were very few private universities in Spain, all of which were Catholic, but six new non-Catholic universities were to be set up shortly. The sole cost to a public university student was the modest registration fee; grants were available to cover this fee and the costs of accommodation, transportation and books. No economic incentives were offered to teachers in rural areas but they were awarded points for each year's service which would assist them in their subsequent administrative or teaching careers. Two Sub-Directorates-General of the Ministry of Education and Science were responsible, in the context of the campaign to eradicate illiteracy, for planning the network of centres for the adult population, organizing courses and training teachers. The attitude of young people toward further studies was changing markedly, truancy rates had fallen and there was considerable demand for the range of educational courses offered for example through non-compulsory secondary education, university education and vocational training.

279. The ultimate objective of the heavy investment in education in Spain was to provide all citizens with educational opportunities, to promote economic development and to produce responsible, public-spirited, and contented citizens. Catalan, Basque and Galician were taught not only in their respective territories but also in official language schools. In the autonomous communities children were required to learn both Spanish and the local language. Overcrowding was only a problem at the Universidad Complutense de Madrid and the Carlos III University in Madrid had been set up to ease that problem. There was no discrimination of any kind against the Basques; on the contrary, positive action had been taken in their favour in the 1970s when it appeared that their native tongue was imperilled. Persons from Equatorial Guinea were also not discriminated against and their

children attended ordinary Spanish schools and were given special support teaching, if required. Emeritus Professors continued to teach, particularly in medicine and music.

280. In primary education, one of the most rewarding programmes had been that which integrated children with learning difficulties in normal schools. The sex education campaign conducted by the National Institute for Youth had been a useful exercise, which should have offended no one. A group of teachers had been appointed by the Ministry of Education and Science to work on the problem of drug addiction. Formerly there had been a considerable problem of drop-outs but the rate of absenteeism had declined. Special teachers had been appointed to follow cases and make contact with families from ethnic minorities whose children sometimes did not attend school. The Ministry of Social Welfare had encouraged the establishment of homes for single mothers and their children and provided them with economic assistance.

281. On the subject of vocational training, the Committee was informed, inter alia, that agreements between training centres and individual enterprises relating to a particular course were approved by both sides and that a tutor in the training centre and an official of the enterprise supervised the students and a joint evaluation followed. The scheme operated in both public and private sector enterprises and an attempt was made to rotate students between the two. Of the students following such courses 60 per cent were boys. A General Vocational Training Council chaired alternately by representatives of the Ministry of Labour and the Ministry of Education and Science, on which trade unions, industry and social workers were represented and information about vocational training evaluated, had been established. Provincial councils had also been established to undertake planning on a regional basis in order to match training courses to the requirements of local enterprises.

282. Concerning State support of private education, which was based on mutual contract obligations, the State allocated funds to cover staff salaries, operating costs and various other expenditures. In return, the school agreed to provide education free of charge and to accept pupils without discrimination. If requests for places exceeded the number of such places, the school was obliged to select pupils in accordance with criteria established by the Ministry. Staff were to be appointed solely on merit. The employment conditions of staff in private and public establishments were not exactly the same since the former were employed by the establishment's owner and their contracts were renewable, whereas teachers in public institutions were appointed through competitive examinations, enjoyed tenure and were covered under legislation relating to civil servants. As for teachers' salaries, the representative indicated that, in the State sector, a primary schoolteacher was paid 140,000 pesetas monthly, after tax; a teacher at secondary level 160,000 pesetas; a university lecturer 260,000 pesetas; and an assistant lecturer 200,000 pesetas. The Government, she pointed out, had made provision for an 18 per cent pay increase for teachers in the 1992 budget.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

283. Members of the Committee asked to be provided with the texts of laws, administrative regulations, court decisions and other documents relevant to the right of everyone to benefit from scientific, cultural and artistic activities, which had not yet been submitted to the Committee; and wished to know what activities were undertaken in the cultural and scientific field by the central Government, by the government of the autonomous regions and by the local authorities, and what practical measures were being taken to enable everyone to benefit from those activities.

284. Members of the Committee also wished to know whether funding for theatres, libraries and museums was provided by the central authorities; what was the percentage of budgetary expenditure devoted to culture and education; what was being done to ensure that culture was accessible to all citizens; whether creative works were supported and subsidized by the State; whether large opera houses, symphony orchestras, theatres and the like were subsidized or self-supporting; and whether Spain's cultural policies, activities and production of cultural works were also aimed at the wider Spanish speaking world. In addition, they asked whether the Church intervened in any way or attempted to impose a Catholic system of cultural values; and whether any legislative or other measures had been taken to preserve the cultural identity of the Basque people. Members of the Committee also noted that certain provisions of Spanish copyright law, guaranteeing protection for the intellectual property of Spanish authors and of foreign authors resident in Spain, did not extend to foreigners from States that did not offer reciprocal protection, and considered this was contrary both to international treaties and to the Covenant. Members of the Committee suggested that it would be preferable for a more detailed reply on the issue of intellectual property to be submitted to the Committee at a later date. A similar form of discrimination appeared to exist in the cultural sphere, as access to certain museums was free of charge for Spaniards or nationals of member countries of the EEC while other foreigners were charged for entry.

285. In reply, the representative of the State party said that the adaptation of the former highly centralized system of culture to the new model of political and administrative decentralization had involved a laborious legal process requiring 67 royal decrees. The decrees delimited the functions and identified the services that were transferred to the autonomous regions, the functions and services retained by central administration and the functions on which the two could cooperate and delineated the legal provisions, the staff and other measures affected by the transfer. A number of joint bodies had been set up to facilitate functional cooperation between the State and the autonomous regions in the administration of Spain's cultural heritage.

286. Activities in the cultural and scientific field mentioned by the representative of the State party were grouped under several headings. Under the heading of cultural infrastructure and services and support to arts and industries, the activities included related to archives, libraries, museums,

theatres, cinemas, books and auditoriums for dancing and music and to Spain's historical patrimony. Under the heading of programmes of cultural activities and international dissemination of culture, mention was made of the Sub-Directorate-General of Cultural Cooperation, which included among its functions programmes designed to facilitate access to culture by people outside normal cultural circuits, such as libraries for hospital patients, cultural activities in prisons and army barracks, and organized programmes of activities in areas with particular geographic or economic difficulties. The Directorate-General for Cultural Cooperation was responsible for the dissemination abroad of Spanish culture and the coordination of such activities. The Sub-Directorate-General of International Cooperation was also concerned with the preparation of treaties for cultural exchanges, of which there were approximately 70 in force; monitoring Spanish participation in international cultural bodies; and supporting activities abroad to project Spanish culture and disseminate the languages spoken in Spain. In addition, the representative informed the Committee that a convention on cooperation in television had been signed with Latin America and that the first example of cooperation in the legislative field had been attendance at the Latin American Congress on Intellectual Property.

287. In reply to other questions, the representative noted that a law on sponsorship was currently being prepared in order to encourage private support for the arts; that entry charges to museums depended on whether they were privately or publicly owned; that in the Basque region per capita expenditure on education and culture was five times higher than the average figure for the autonomous regions as a whole; and that the Catholic Church expressed its views on cultural matters through the same democratic channels as used by others.

Concluding observations

288. The Committee expressed its appreciation to the representatives of the State party for the competence and thoroughness of their oral and written responses to the questions raised by the pre-sessional working group as well as by the members of the Committee concerning the second periodic report on articles 13 to 15 of the Covenant. The Committee, however, found that the written report was too short and thus inadequate. Noting the professional quality of the oral report, the Committee stated that the report should have been written with the same efficiency.

289. The Committee considered with satisfaction the progress made by Spain in the realization of the rights under consideration. With regard to remaining difficulties, the Committee was reassured that the Government of Spain would continue its efforts to ensure the full realization of the rights enshrined in the Covenant.

290. Although many of the questions raised by the Committee had been answered adequately by the representatives of the State party, the following required further clarification:

(a) The extent to which policy in education was influenced by the Roman Catholic Church;

(b) The relevance of new course specializations as they pertained to problems concerning the environment;

(c) The integration of the handicapped and the disabled into mainstream education;

(d) The difficulties arising from cultural plurality which deterred the full realization of the rights enshrined in the Covenant, and the measures being applied to alleviate such difficulties.

291. The Committee considered that in order to comply with the obligations which derive from the Covenant, additional measures should be taken in order to eliminate:

(a) The disparities in the employment conditions of teachers in public and private schools;

(b) The uneven distribution of students in universities resulting in conditions detrimental to the teaching-learning environment;

(c) The gap between theory and practice in vocational education.

292. The Committee requested the Government of Spain to review the technical and legal points concerning the question of discrimination in the protection of intellectual property in relation to the provisions of articles 145 to 147 of the Copyright Law of 1989, which in the view of one member of the Committee raised questions as to full conformity with the provisions of the Covenant, and to send its reply as well as relevant materials to the Committee in its next periodic report.

293. The Committee thanked the delegation of Spain for answering its questions and reiterated its appreciation to the delegation for the spirit of goodwill and sharing in the conduct of their dialogue with the Committee.

Colombia (arts. 13-15)

294. The Committee considered the second periodic report of Colombia concerning the rights covered by articles 13 to 15 of the Covenant (E/1990/7/Add.4) at its 17th, 18th and 25th meetings, on 5, 6 and 12 December 1991 (E/C.12/1991/SR.17, 18 and 25).

295. In his introduction to the report, the representative of the State party referred to the political, social and institutional changes taking place in his country. As regards the right of everyone to education, he pointed out that the Colombian Government was trying to remedy the problems of low school enrolment and illiteracy through two basic programmes, "Basic Education for All", and the "National Rehabilitation Plan" which was chiefly concerned with the marginal regions of the country. The budget for 1991 and 1992 devoted substantial financing to those two programmes, and the Government expected to attain its objectives within the established time limits.

General matters

296. With regards to the general framework within which the Covenant was being implemented, members of the Committee asked to be informed briefly of any new developments or changes made or envisaged in Colombia since the submission of the initial report (E/1982/3/Add.36) to give effect to the rights recognized in the Covenant, including: (a) basic programmes, institutions and practices concerned with the exercise of human rights; (b) the general political structure of Colombia; (c) its economic, social and cultural characteristics; and (d) the general legal framework set up to protect human rights in Colombia. They also asked what status the Covenant enjoyed under domestic law, particularly as regards its implementation; what measures had been taken to publicize the Covenant and the reports submitted to the Committee; what measures had been taken to guarantee the rights set forth in articles 13 to 15, in conformity with articles 2 and 3 of the Covenant; and what limitations, if any, were imposed on the rights set forth in articles 13 to 15, what the reasons were for those limitations and what guarantees there were against their abuse. In that connection they asked for the texts of legislation, regulations and other relevant provisions.

297. Members of the Committee also asked what stage had been reached in the process of implementing the National Rehabilitation Plan aimed at re-establishing normal conditions in poor and marginal areas; the extent to which aid received through international cooperation was contributing to the efficient implementation of the Plan; and the current position as regards action against narcotic drugs and guerilla and terrorist activities, as factors limiting the exercise of the rights covered by the Covenant.

298. It was pointed out that the text of the new Colombian Constitution did not indicate how exactly an international treaty was incorporated into domestic law, and members asked whether the rights protected by the Covenant were covered by the Colombian Constitution or whether, instead, the Covenant itself had been incorporated into domestic law.

299. In his reply, the representative of the State party mentioned the recent political and institutional transformations in Colombia and the difficult tasks confronting the new Government which had been formed in August 1990. The National Constituent Assembly had completed the text of a new Constitution in July 1991: Title II, chapter II concerned social, economic and cultural rights and guaranteed, *inter alia*, the protection of intellectual property, access to culture for all on equal terms, recognition of the equal dignity of all cultures found in the country, State protection of the nation's cultural heritage, and education as an individual right and a public service with a social function. He added that the International Covenant on Economic, Social and Cultural Rights had acquired the status of basic law in Colombian domestic legislation. The provisions of the Covenant were constitutional norms which had yet to be translated into legislative provisions and regulations. He proceeded to outline the political institutions in Colombia, explaining that the new Constitution maintained the traditional division of powers while making important changes to the structure of the institutions he had listed.

300. The representative stated that two Colombian institutions were responsible for promoting human rights: the Presidential Adviser for the Defence, Protection and Promotion of Human Rights, and the School of Public Administration, which trained State officials in, among other things, regard for human rights. Seminars and other human rights programmes were organized specifically for employees of the judiciary and members of the police force. Under the National Rehabilitation Plan, the Colombian Government had built a new network of roads in the marginal regions of the country, and had set up schools, health centres and regional hospitals. Child-care centres were already looking after 190,000 children. The Government expected to have carried out two thirds of the Plan by the end of 1992. The Plan was financed entirely from the State budget and received no international cooperation assistance.

301. On the campaign against guerilla activities, the representative stated that of the six armed groups active in Colombia in 1989, four had returned to civilian life after reaching an understanding with the national Government and had set up political parties; the other two had entered into negotiations with prominent Colombian figures with a view to easing their return to civilian life and restoring peace to the country. As regards the campaign against drugs, he reported on the criminal proceedings against the ring leaders of the Medellin cartel and said that the number of acts of violence due to clashes between the cartel and the State had declined sharply. On the other hand, crop substitution campaigns had been only a qualified success. Narcotics use in Colombia was negligible; drug prevention campaigns were carried by the media and in the schools, and drug addicts were looked after in private and public institutions, but drug consumption in other countries was still an incentive to production. Among other things, the drug traffic had favoured the emergence of paramilitary groups in some parts of the country, but the opposing measures taken by the Colombian authorities gave grounds for hope that peace would soon reign in Colombia.

302. He went on to say that, in accordance with the Constitution, treaties had to be approved by the National Assembly before becoming an integral part of Colombian legislation. The President could, however, order the implementation pro tempore of certain international economic and commercial agreements reached in the setting of international organizations.

Articles 13 and 14: Right to education

303. Members of the Committee asked what measures had been taken to ensure the full exercise of the right of everyone to education in Colombia, and to what extent the exercise of the right contributed to: (a) the full development of the human personality and the sense of its dignity; (b) the strengthening of respect for human rights and fundamental freedoms; (c) the development of the teaching of human rights; (d) the effective participation of all persons in a free society; (e) the promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups; and (f) the furtherance of United Nations peace-keeping activities. They also asked to what extent secondary education, including technical and vocational secondary education, and higher education had been made available and free to all in Colombia. To supplement the account made in the report of the nine main

programmes in the Colombian Government's Social Economy Plan (E/1990/7/Add.4, paras. 18 ff.), they asked what favourable effects the measures taken had had, what difficulties had been encountered, what failures had been suffered in the execution of the programmes, and what solutions had been adopted in the course of their execution in order to obtain the desired practical results.

304. They also asked what role was played by the private sector in secondary education and even in society, since it alone accounted for 58.7 per cent of all pupils in secondary education; what the average remuneration of teachers was at various levels as compared with average wages in Colombia, and to what extent equal access to different levels of education and to activities to promote literacy went beyond mere theoretical pronouncements to living reality. They asked the representatives of Colombia to indicate the proportion of male and female students receiving primary, secondary and higher education and participating in literacy promotion activities. They also asked to what extent the difference in development between the south and north of the country was being corrected as regards the implementation of the right to education, and what measures - antidiscriminatory measures, financial benefits, fellowships for further study or measures in support of deprived groups - had been taken or were envisaged to guarantee equal access to all levels of education in Colombia.

305. Members of the Committee also asked whether the vocational training referred to in article 26 of the Colombian Constitution was mandatory for all professions, what wages teachers in the private sector received in comparison with teachers in the public sector, what progress had been made and what difficulties had been encountered since 1989 in varying the curricula for basic secondary education and medium-level vocational training, how many Colombian children were of primary school age and how many adults had been affected by the "Basic Education for All" programme. They inquired about the status of research into human rights in Colombia and the extent of general public interest in it, what share of the State budget was devoted to education for indigenous groups and members of Colombia's black population, what specific strategy the Colombian Government had adopted to deal with the problem of violent groups of youths, and whether private State-subsidized schools were open to all Colombian children.

306. The representative of the State party stated that in order to guarantee the full enjoyment of everyone's right to education, Colombia had embarked on a reform of educational curricula. Teaching reforms had been adopted and applied in cooperation with UNESCO and the "Basic Education for All" programme sought to improve the country's teaching facilities. Besides traditional education, the programme called for literacy drives and adult education, the dissemination of basic notions of hygiene and health care, and a health training programme. The mass media were giving the educational programmes crucial backing.

307. With regard to cultural development, he stated that Colombia had established special programmes for promoting young people's development, one of which was specifically aimed at preventing drug addiction among adolescents. School education included a civics syllabus designed to make people aware of human rights, and human rights campaigns had been launched in

and outside schools in collaboration with the mass media. As part of their teaching studies, would-be teachers attended civics courses. Teachers' pay depended on their grade and would be equivalent to, for example, 40 per cent of that received by a Supreme Court judge. Thanks to the "Basic Education for All" programme, the illiteracy rate had been brought down from 12 per cent to 7 or 8 per cent between 1989 and 1991. Boys and girls performed equally well at school and women were proportionally as well represented as men in universities; compulsory schooling, guaranteed by the Constitution, extended to the age of 15, and teaching was free in all public institutions.

308. The representative then turned to the problem of violent children and the children used by drug-traffickers to administer their rough justice. An ad hoc group reporting to the Office of the President had been set up to try to bring such youths back into normal social life. He also explained that article 26 of the Colombian Constitution provided for the "collegialization", i.e. corporatist organization of certain professions; such collegial organization was not obligatory but was current practice, especially in the liberal professions.

309. As regards the role of the private sector in education, he said that the school- and university-age population accounted for 40 per cent of Colombia's total population. There were not enough public institutions to meet the demand for education and they were therefore backed up by private establishments offering the same services. Colombians were free to choose the public or private sector. Public institutions were free. School fees at private establishments varied considerably. A scholarship and study loan system was operated by the Colombian Study Institute: any Colombian student could apply for a loan, to be repaid when he began to work. Teachers in the private sector were paid roughly the same as teachers in the public sector. It had become necessary to diversify curricula at training centres for ordinary schoolteachers, incorporating new, specialized teaching techniques for dealing with retarded children, deaf-mutes and children with behavioural problems. Experiments with direct management of public teaching establishments by parent councils had produced encouraging results.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

310. Members of the Committee asked the representatives of the State party to give details of legislative and other measures which the Government had taken to ensure that everyone could exercise the right to take part in the cultural life of his choice and to express his own culture. They asked what information was available on: (a) funds to promote cultural development and the participation of everyone in cultural life, including public aid to private initiative; (b) the institutional infrastructure established to apply measures to promote the participation of everyone in culture - cultural centres, museums, libraries, theatres, cinemas and handicraft centres; (c) the promotion of cultural identity as a factor of mutual appreciation between individuals, groups, nations and regions; (d) measures to assist ethnic groups, minorities and indigenous peoples to become aware of their cultural

heritage and to benefit from it; (e) the role of the media as a factor encouraging participation in cultural life; (f) the safeguarding and presentation of the cultural heritage of mankind; (g) legislation protecting freedom of artistic creation and production, particularly freedom to disseminate the results of such activities, and any restrictions on that freedom; and (h) vocational training in the cultural and artistic sphere.

311. They also asked what legislative and other measures had been taken to ensure the exercise of the right of everyone, particularly in the least developed parts of the country, to benefit from scientific progress and its applications. They requested information on: (a) measures to promote dissemination of information on technical progress; and (b) measures intended to contribute to the maintenance of a healthy and clean environment and the institutional infrastructure established for that purpose.

312. With regard to the protection of authors' rights, in view of the multitude of indigenous groups - put at 87 - and the existence of 115,000 black inhabitants, members of the Committee asked what measures had been taken to give effective protection to literary, scientific and artistic production in the context of such cultural diversity. They asked about the main legislative texts, regulations and other provisions designed to protect the moral and material interests of authors, and whether any difficulties prevented the full exercise of that right. They pointed out that further information had been requested, during consideration of the initial report, on the following points: (a) the Government's policy for promoting scientific research and how such research was organized and financed; (b) the number of theatres, cinemas, art galleries and museums in Colombia; and (c) the measures taken to preserve cultural monuments and works of art, particularly those of ancient Indian civilizations.

313. Clarifications were also sought on the implementation of provisions governing bilingual education in the areas inhabited by indigenous peoples; on the notion of special indigenous jurisdiction; and on the indigenous "treasures" protected by the ban on archeological digs.

314. In his reply, the representative of the State party explained that the Colombian Cultural Institute, COLCULTURA, was responsible for carrying out cultural policy formulated by the National Council on Economic and Social Policy and for that purpose laid down national-scale cultural development programmes. The National Rehabilitation Plan also included a cultural component and called for a number of measures to re-establish national, regional and local culture and impart renewed vigour to the country's cultural identity. The promotion of indigenous culture was a part of the overall policy relating to indigenous peoples, which was to arrange for their involvement in the exercise of political power in all its forms. Bilingualism for the indigenous peoples had been introduced in 1986. The linguistic and cultural values of the indigenous peoples and blacks living in Colombia were respected and brought to the public's attention by the media. The 1991 Constitution accorded indigenous languages official status; to give effect to that provision, however, regulations still needed to be adopted. Cultural activities were financed out of the State budget. The Government did offer tax incentives to private businesses which helped to promote culture.

315. He went on to say that the Colombian Government had handed over the management of the greater part of Amazonas and the Orinoco Basin within Colombian territory to the indigenous peoples that lived there. As regards archeological research in Colombia, he explained that the new regulations were not designed to ban digs but to protect the country's cultural heritage and safeguard sites which were places of worship for the indigenous peoples, who would regard archeological digs as an affront to their cultural identity. On the subject of special jurisdiction for the indigenous peoples, he explained that the new Constitution set up indigenous, administratively autonomous areas and empowered indigenous chiefs to exercise jurisdiction over their own peoples within them. The existence of such jurisdiction in no way prevented members of the indigenous peoples from seeking justice through the ordinary channels.

Concluding observations

316. The Committee expressed its satisfaction to the Colombian delegation for its presentation of the report and the objective and detailed answers to the questions raised by the pre-sessional working group and by members of the Committee.

317. In the Committee's view, the oral replies had done much to make good the shortcomings of the written report, which it found legalistic and lacking in information about the extent to which the Covenant was being implemented.

318. The Committee hailed the steps taken by the Colombian Government, notably since the latter part of 1990, aimed at improving the effective implementation of the rights covered by articles 13 to 15 of the Covenant.

319. The Committee noted that many questions posed orally by its members had not yet received satisfactory answers, and the delegation had promised to supply further written information on them: they were chiefly concerned with clarifying issues raised by the wording of certain provisions in the 64 articles of the new constitution dealing with human rights, the status of the Covenant under domestic legislation, the wider range of options available under the new system of education, the regional promotion system and the literacy campaign; with obtaining precise information on the object of education for senior citizens, the school drop-out rate and its distribution by age group, gender and social stratum; and with the integration of the indigenous communities and the black population into normal Colombian life. The Committee welcomed the undertaking by the Colombian delegation to forward the additional information, perhaps in the form of a further written report, as soon as possible.

320. The Committee was concerned at the difference in teachers' pay at private and public teaching institutions. Teachers in the private sector played a key role in giving effect to the right to education and yet they were much less well off than their counterparts in the public institutions.

321. The Committee was also concerned that education in human rights as called for in article 13 (1) of the Covenant was currently being given only to

members of the judiciary and police force. Human rights education needed to extend to all constituents of the nation if it was to achieve its goal - the full development of the human personality and the sense of its dignity, and strengthened respect for human rights and fundamental freedoms.

322. The Committee felt that further action was needed on those two issues in order to meet fully the obligations laid down in the Covenant. It thanked the Colombian delegation for its willingness to enter into a constructive dialogue with the Committee.

Chapter VI

CONSIDERATION OF ADDITIONAL INFORMATION SUBMITTED BY STATES PARTIES PURSUANT TO THE COMMITTEE'S REQUEST

323. At its fifth session, the Committee took note of the additional information submitted by Zaire, France, the Netherlands, Colombia and Jamaica as a follow up to the discussion of their respective reports, and decided to consider that information at its sixth session (E/1991/23, para. 276).

324. Also at its fifth session, the Committee discussed the procedure to be followed in reviewing such additional information and agreed that it would not be appropriate, in view of the excessively long time-lag, to wait with the discussion of such information until the following periodic report was submitted and considered (ibid., para. 275). Accordingly, the Committee decided to consider such additional information, in the order received, at its next session.

325. The pre-sessional working group considered the additional information provided by the States listed in paragraph 326 below and commented on it.

326. The following additional information was before the Committee at its sixth session.

Additional information submitted by States parties subsequent to the Committee's consideration of their respective reports

Zaire	E/1989/5
France	E/1989/5/Add.1
Netherlands	E/1989/5/Add.2
Colombia	E/1989/5/Add.3
Jamaica	E/1989/5/Add.4

327. At the request of the Government of France, the Committee agreed at its 15th meeting, on 3 December 1991, to postpone to its seventh session consideration of that State party's additional information. At the same meeting, the Committee, having taken note of a request by the Netherlands to defer the consideration of the additional information it had submitted to the session where its next report would be considered, decided to proceed with the consideration of the additional information at its seventh session. At its 18th meeting, on 6 December 1991, the Committee, pursuant to a request by the Government of Jamaica, decided to postpone consideration of that State party's additional information to its seventh session.

328. At its 18th meeting, the Committee considered the additional information submitted by the Government of Zaire subsequent to the consideration by the Committee, at its second session, in 1988, of the initial reports of Zaire on articles 6 to 9 (E/1984/6/Add.18), 10 to 12 (E/1986/3/Add.7) and 13 to 15 (E/1982/3/Add.41) of the Covenant, as well as the relevant recommendations of its pre-sessional working group and adopted the following conclusions:

"(a) The Committee wishes to thank the Government of the Republic of Zaire for kindly cooperating in supplying the additional information, of which it has taken due note;

(b) The Committee is pleased to note that the additional information on:

(i) The MPR Party-State,

(ii) The family and equality between men and women in marriage,

(iii) The status of women in Zairian society,

(iv) The status of children,

(v) The right to proper housing,

(vi) The right to education,

(vii) The right to work, and

(viii) Freedom of association,

has materially assisted the exchange of views between the State party and the Committee, which is now better briefed on the subject;

(c) However, the Committee would like to draw the attention of the Government of Zaire to the content of some of the information submitted, which might give the impression that the measures taken were likely to be detrimental to the implementation of the Covenant or, at any rate, to make it difficult to implement some of its provisions. For example, with regard to the "Party-State", the People's Movement for the Revolution (MPR), while it is indicated that the establishment of the MPR resulted from consultation of the people through a referendum, the Committee is somewhat concerned that automatic membership of this single party might mean that certain groups of the population which do not subscribe to its ideology or its programme could be excluded from the conduct of public affairs. The Committee trusts that citizens who are not MPR activists will benefit from the implementation of the provisions of the Covenant, in accordance with article 2 (2) which proclaims the principle of non-discrimination;

(d) As to access free of charge to education, the Committee has taken note of the fact that the Executive Council of the Republic of Zaire did not have a plan for the reintroduction of free education. The Committee trusts that this is only a temporary arrangement and that, in accordance with article 13 (2) (a) of the Covenant, primary education will be provided free of charge in the near future. In this connection, the Committee would like to recall the obligations of States parties under the provision concerned (art. 13 (2) (a)): 'Primary education shall be compulsory and available free to all';

(e) The Committee would like to draw the attention of the Government of the Republic of Zaire to the fact that the provisions of Zairian law concerning automatic membership of permanent staff of the State public services in the National Union of Zairian Workers (Ordinance No. 73-223 of 25 July 1973) seems to be inconsistent with the obligations under article 8 of the Covenant, which guarantees the freedom of the individual to join the trade union of his choice;

(f) From unofficial sources, however, the Committee has learned that Zairian society is moving towards a multi-party approach to politics and a diversity of trade union affiliations. In the circumstances, and in accordance with the obligation incumbent on Zaire under the Covenant, the Committee would be grateful if the Zairian Government could indicate, in its next periodic report, what measures it might envisage as part of a programme to reintroduce free primary education and give practical expression to freedom of choice in political and trade union matters. The Committee is convinced that such information would further improve the excellent cooperation and fruitful exchange of views it enjoys with the State party."

329. At its 19th meeting, on 6 December 1991, the Committee considered the additional information submitted by the Government of Colombia subsequent to the consideration by the Committee, at its fourth session, in 1990, of Colombia's second periodic report on articles 10 to 12 of the Covenant (E/1986/4/Add.25), as well as the relevant recommendations of its pre-sessional working group and adopted the following conclusions:

"(a) The Committee wishes to thank the Government of Colombia for kindly cooperating in supplying the additional information which was requested;

(b) The Committee notes with interest that the additional information submitted relating to:

(i) The right to health,

(ii) Social security,

(iii) The rights of women and protection of mothers and families,

(iv) Protection of children,

(v) The right to decent housing,

(vi) Protection of individuals in extreme poverty, and

(vii) The situation of indigenous communities,

has helped to enrich the dialogue between the State party and the Committee, which is thus better informed;

(c) The Committee wishes to draw the attention of the Government of Colombia to the fact that additional information was also requested on the following points:

(i) The role and activities of paramilitary groups, and

(ii) Protection of workers in the unstructured sector of the economy;

(d) This being the case, and in conformity with the obligations of the State party under the Covenant, the Committee would be grateful if the Government of Colombia provided, in the next periodic report, additional information on the two points which have not been covered;

(e) The Committee is confident that this will improve still further the dialogue and cooperation already existing with the Government of Colombia."

330. At the same meeting, the Committee, having noted that the Government of the Dominican Republic had not responded to its request for the submission of additional information made at its fifth session (E/1991/23, para. 250), decided to adopt the following decision:

"The Committee on Economic, Social and Cultural Rights draws the attention of the Government of the Dominican Republic to the concluding observations which it adopted at its fifth session, which included the following statement:

> 'The information that had reached members of the Committee concerning the massive expulsion of nearly 15,000 families in the course of the last five years, the deplorable conditions in which the families had had to live, and the conditions in which the expulsions had taken place were deemed sufficiently serious for it to be considered that the guarantees in article 11 of the Covenant had not been respected.
>
> The Committee consequently requested an additional report on those issues which called for more detailed development as well as answers to those questions which had been kept pending.'

The Committee notes that its request for an additional report on those issues has not yet evoked a response from the Government. It notes that in the meantime it has received additional information from several sources, including that contained in document E/C.12/1991/NGO/1, which, if accurate, would give rise to serious concern on the part of the Committee. The Committee thus requests the State party to suspend any actions which are not clearly in conformity with the provisions of the Covenant, and requests the Government to provide additional information to it as a matter of urgency.

> The Committee requests the Secretary-General of the United Nations to inform the Government of the Dominican Republic of the Committee's decision as soon as possible."

331. In that connection, the Committee emphasized that the Government of the Dominican Republic might wish to avail itself of the advisory services available from the Centre for Human Rights to assist it in relation to efforts to promote full compliance with the Covenant in the case of the large-scale evictions referred to in the Committee's reports (see also chapter I, draft decision III).

Chapter VII

GENERAL DISCUSSION ON ECONOMIC AND SOCIAL INDICATORS AND THEIR ROLE IN THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A. Introduction to the general discussion

332. The Committee, having taken note of the growing recognition by international organizations that human rights were essential in any sustained development process, sought to identify its own appropriate role amidst the rapid global changes while being guided constantly and at all times by the principles enshrined in the Covenant.

333. In this context, the Committee devoted its 20th and 21st meetings, on 9 December 1991, to a general discussion of the topic "Economic and social indicators and their Role in the Realization of Economic, Social and Cultural Rights" based on a report prepared by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/19). The Committee's discussion was held in the context of drawing as widely as possible from available expertise which would assist it in its endeavours to develop a deeper understanding of the central issues contained in the Covenant.

334. The Committee invited the following to share their expertise in a free exchange of views with the members of the Committee: International Labour Organisation; World Health Organization; United Nations Children's Fund; United Nations Development Programme; United Nations Research Institute for Social Development; Mr. D. Türk (Sub-Commission on Prevention of Discrimination and Protection of Minorities); Mr. S. Leckie (Habitat International Coalition); Mr. R. Künnemann (FIAN-Food First Information and Action Network); Mr. Lador (World Association for the School as an Instrument of Peace); Mr. M. Kothari (National Campaign for Housing Rights, India); and Mr. R. Plant (Overseas Development Institute).

B. Economic and social indicators

335. The Committee requested Mr. S. Leckie, expert from Habitat International Coalition, to open the discussion on the work done by Mr. D. Türk, who was delayed by urgent matters elsewhere. The salient points of Mr. Leckie's statement consisted of two parts which could be summarized as follows:

(*a*) Some general problems regarding the use of economic and social indicators by the Committee:

- (i) Inconsistency arising from the lack of reliable data, use of estimates in the absence of indicators, incomplete and outdated sources of information, use of inappropriate indicators which fail to meet the basic requirements of validity, objectivity, sensitivity, comparability, availability, accuracy and disaggregation;

(ii) The general absence of indicators which appropriately reflect the interpretive content of the rights monitored by the Committee;

(iii) The likelihood of politically motivated manipulation of indicators by governments;

(b) Possible modalities of indicator usage by the Committee as one of the means of monitoring the Covenant:

(i) The application of "right by right" analysis of indicators viewed as relevant to articles 6 to 15 of the Covenant, which should be subject to independent review prior to use;

(ii) Asking itself the question of whether it could truly carry out its mandate if the application of indicators differed from State to State, even if the legal obligations of each are essentially the same;

(iii) The inclusion of a greater number of indicators in the guidelines for States reports which could at least morally bind each State party to provide its own figures that could be compared with those published by international agencies and institutions;

(iv) Forging stronger bonds with agencies, such as UNRISD and UNDP, would keep the Committee informed and updated on the state of the art regarding indicators and would help to enhance its work through effective use of indicators.

336. In conclusion, Mr. Leckie stated that in spite of the difficulties of incorporating indicators into the human rights activities of the United Nations, the Committee should view the indicator approach as a major long-term challenge that should be pursued. This approach could assist in the fulfilment of the Committee's important mandate.

337. Mr. D. Westendorf (UNRISD) stated that Mr. Türk's report provided a good overview of the problems and pitfalls in the use of indicators in monitoring economic, social and cultural rights. He cited past studies conducted by UNRISD specifically on the link between social progress and economic progress, which resulted in a large array of indicators. The recent interest in social indicators shown by other organizations of the United Nations system had given rise to a proliferation of information and to problems of reconciling diverse data.

338. Mr. M. Schulenburg (UNDP) focused on human development as the centrepiece of his organization's work in 115 countries with various backgrounds and cited the culmination of many years of work in compiling the Human Development Index. Currently, UNDP was concerned with the human expenditure issue, assessing how much of States' expenditures actually go to human development. UNDP used human expenditure indicators as the bases for discussion and not as preconditions for assistance, with due regard for States' sovereignty.

339. Mr. L. Swepston (ILO) explained that his organization had no system of indicators as such and ILO assessed the progress made in respect of obligations rather than the negative impact of violations. Statistics may be relevant in assessing States' performance in relation to the Covenant, but did not necessarily constitute the only way to go about it.

340. Mr. R. Künnemann (FIAN) expressed his view that ecology should be an indicator for human development. Seen in the context of the implementation of economic, social and cultural rights, development is equated with a sustainable environment and the fulfilment of government obligations, thereby abolishing human deprivation. Indicators for both types of human rights (civil and political as well as economic, social and cultural) might be used to set some minimum standard allocation for human development.

341. Mr. R. Plant (Overseas Development Institute), expert on land rights, cited problems with indicators as they related to land rights. The nature of the right to land had different dimensions, which included property and its social functions of ownership and the benefits derived from it. Thus, while the notion of property was in constant flux, land was always the same. The concept of land rights also had to be defined in relation to land distribution and to landlessness.

342. Mr. J.H. Orley, Mr. S. Orzeszyna, Mr. P. Micovic and Ms. G.M. Pinet (WHO) articulated some views related to the use of indicators in their organization which were premised on the definition of health as "a state of complete physical, mental and social well-being" and not merely "the absence of disease". The vast difference in the two concepts of health was further elaborated in the type of indicators currently in use for each. Indicators that tended to arise from the concept of health as "the absence of disease" included easily quantified factors such as mortality and morbidity rates. Unfortunately, indicators relating to the WHO concept of health were far more difficult to obtain because of their qualitative nature - healthy development of the child, for example. However, the Global Strategy for Health for All by the Year 2000 adopted by the thirty-fourth World Health Assembly (resolution WHA 34.36) had generated global indicators based on national and regional indicators, a factor that had greatly improved the quality and interpretation of data. The major setback along these lines had been the unavailability of data from developing countries which had not submitted any reports. Under such circumstances, estimates were the only alternative. The Committee would be provided with the second evaluation report on the Global Strategy as soon as it was ready.

343. Mr. S. Basta (UNICEF) discussed the difficulty and complexity of assessing cause and effect. In the case of infant mortality, it took years to find out about the situation and in the case of population it took even longer. Furthermore, a considerable time-lag was inevitable in organizing surveys and reports. In contrast, a rapid assessment procedure had been the source of interesting ideas of what was happening and what could be done. The procedure involved unstructured interviews with population groups, discarding the normal questionnaire used in random surveys. Indicators used in such

field situations included access to clean and adequate water and sanitation, food-related indicators such as satisfaction and market prices and education-related indicators such as enrolment figures and literacy rates.

344. Mr. M. Kothari (National Campaign for Housing Rights, India), expert on housing rights, identified a number of indicators currently in use by non-governmental organizations in relation to living conditions - security of tenure, quantity and quality of shelter, population density, environmental conditions - which could be used as a composite index. Potential difficulties with using indicators included moving away from the basic needs approach to a basic rights approach and the tendency of statistics not necessarily to reflect reality. Among his suggested indicators were: number of homeless, number of adequately housed, number of housing-related services and disaggregated figures based on gender, space provided, income level, ethnicity. The school as an instrument for peace programme had more precisely defined indicators relating, for example, to the right to education and to education for environment. Other indicators related directly to specific issues. For example, access to education related to gender and race equality; orientation of the educational system related to the right of people to play useful roles in society; orientation of educational content related to the goals of education based on human rights. His organization was ready and willing to work with the Committee in that area.

C. Discussion with the members of the Committee

345. The exchange of views between the members of the Committee and the experts from organizations of the United Nations system and non-governmental organizations revolved around three major issues relevant to the use of indicators in the work of the Committee: the question of setting standards and thresholds, the question of a qualitative approach versus a quantitative approach and the question of States' sovereignty and obligations under international covenants.

The question of setting standards and thresholds

346. The question stemmed from the observation made by some members of the Committee that a number of international agencies had not been giving sufficient consideration to economic and social indicators in formulating their lending policies. In their view, that contradicted the goal of development - the well-being of man. In reaction to the stand that indicators were used as points for discussion rather than prerequisites for assistance, other members of the Committee asked whether it was possible to set threshold levels beyond which a violation can be said to have occurred. It was pointed out that setting standards was possible only where concepts remained constant and static. Since development was dynamic and its essence was change, it was not possible to set standards. Furthermore, variable factors made it difficult to set a single threshold for everyone to follow. Hence, indicators provided a more flexible measure for development.

The question of a qualitative versus a quantitative approach

347. Some members of the Committee stated that human rights were assessed in terms of quality based on attaining the enjoyment of economic, social and cultural rights. Doubts were expressed as to whether indicators could really measure quality. The quantity factor stood in isolation from its context and questions remained on what really underlay the figures. The question was then asked whether the human rights approach, which was qualitative and focused on the individual, might not be in direct contradiction to the indicators approach, which was quantitative and focused on statistics and not necessarily on the individual. How then could economic and social indicators be applied to reconciling the needs required in interpreting the Covenant with the needs they were designed to address. It was pointed out that an important value in numbers was the concept of comparison. Progress could be measured against itself in this sense and only then did the human rights aspect come in. There was progress only in so far as the fulfilment of economic, social and cultural rights had been attained.

The question of States' sovereignty and obligations under international covenants

348. In relation to the use of indicators as points for discussion concerning financial assistance, it was asked by some members of the Committee if assistance should not be tied to the fulfilment of obligations. International agencies should look carefully at what was done at the national level and make necessary adjustments on the kind of assistance to be granted. Other members of the Committee were of the view that if developing countries were to realize economic, social and cultural rights, they should have the opportunity to use a maximum of available resources.

349. Further observations made by members of the Committee could be summarized as follows:

(a) In applying the principle that human rights are interrelated and indivisible, indicators for civil and political rights should be the object of similar studies;

(b) Indicators constituted an important component, although they were not entirely sufficient to assist the work of the Committee;

(c) The variables relating to the effectiveness of indicators also affected the interpretative content of economic, social and cultural rights;

(d) Indicators should strike a balance between the concepts of quantity and quality.

D. Conclusion of the discussion

350. The Chairman thanked the experts from the various organizations of the United Nations system and non-governmental organizations for their valuable contribution to the work of the Committee and invited Mr. Leckie to conclude the discussion.

351. Mr. Leckie recommended that the Committee should develop long-term strategies in relation to indicators, suggesting that a Committee working group could continue to meet with various agencies and groups on the use of indicators. Perhaps a brief period in every session could also be devoted to discussing indicators. Referring to an upcoming seminar on economic and social indicators to be organized by the Centre for Human Rights, he expressed his hopes for sustained efforts towards meeting the challenges posed by the indicator approach.

Chapter VIII

SPECIFIC ISSUES DISCUSSED BY THE COMMITTEE

352. At its fifth session, in 1990, the Committee discussed in general terms the question of drafting an optional protocol to the International Covenant on Economic, Social and Cultural Rights that would permit the submission of communications pertaining to some or all of the rights recognized in the Convenant. To assist it in further considering this possibility, the Committee requested Mr. Philip Alston to provide it, at its sixth session, with a discussion note outlining the principal issues that would appear to arise in that connection. The Committee also requested Mrs. María de los Angeles Jiménez Butragueño to provide it, at its sixth session, with a discussion note on the problems of the elderly as they relate to the realization of the rights recognized in the Covenant (E/1991/23, paras. 285-286).

353. The requested discussion notes were prepared by Mrs. Jiménez Butragueño (E/C.12/1991/WP.1 and Add.1) and Mr. Alston (E/C.12/1991/WP.2) and submitted for consideration by the Committee at its sixth session.

A. Consideration by the Committee of the discussion note on the problems of the elderly as they relate to the realization of the rights recognized in the Covenant

354. At its 9th and 10th meetings, on 29 November 1991, the Committee considered the discussion note prepared by Mrs. Jiménez Butragueño (reproduced in annex IV to the present report).

355. In the course of the discussion, members of the Committee expressed their appreciation to Mrs. Jiménez Butragueño and commented on various aspects of the situation of the elderly in general as well as its relation to the realization of the specific rights recognized in the Covenant. Having noted the importance of the problem of the adequate protection of the economic, social and cultural rights of elderly persons, members were of the opinion that this issue, while not directly addressed by the Covenant, was within the competence of the Committee, which could use various methods to deal with it.

356. In connection with the foregoing, it was suggested, first, that more attention should be paid by the pre-sessional working group to the issue of the elderly when drawing up the written lists of issues to be taken up in connection with the consideration of a report submitted by a State party. Secondly, while considering a State party's report, specific oral questions should be asked concerning the elderly. Thirdly, with a view to the further development of the Committee's jurisprudence by way of general comments, it was suggested that, on the basis of the discussion note by Mrs. Jiménez Butragueño, a draft general comment on the situation of the elderly as it relates to the realization of economic, social and cultural rights should be prepared and submitted to the Committee for its consideration at its seventh session.

357. In this latter connection, members of the Committee suggested that: (a) particular attention should be paid to the definition of the concept of "third age"; the definition should reflect the realities not only of the developed countries but also of developing countries and take full account of the cultural as well as demographic context in the various regions of the world; (b) being one of the vulnerable groups of society, the elderly should be accorded appropriate attention at the national and international levels; (c) for the purpose of giving the most effective consideration to the situation of the "third age" group, the Committee should, while monitoring the implementation of the Covenant by States parties, focus specifically on the extent of the enjoyment of particular rights by that group; (d) particular consideration should be given to the compatibility of the right to work recognized by article 6 of the Covenant with compulsory retirement practices applied in various States parties to the Covenant; (e) given the complex and multi-dimensional character of the problem of the protection of the economic, social and cultural rights of the elderly, the Committee, in elaborating the general comment, would need the assistance and advice of the relevant specialized agencies and United Nations organs, specifically the International Labour Organisation, the World Health Organization and the Centre for Social Development and Humanitarian Affairs of the Secretariat, and that before finalization the draft should be sent to those agencies for comment; and (f) contributions from interested non-governmental organizations should be sought.

358. The suggestions and recommendations contained in paragraphs 356 and 357 above were approved by the Committee.

359. With reference to the suggestion that the Committee's general reporting guidelines should be revised to include specific issues relating to the problem of the elderly, the Committee considered that such a revision would not be appropriate so soon after the adoption of the revised guidelines and that consideration of concrete proposals to that end should be deferred.

B. Consideration by the Committee of the discussion note on the optional protocol to the International Covenant on Economic, Social and Cultural Rights

360. At its 13th to 15th meetings, on 3 and 4 December 1991, the Committee considered the discussion note prepared by Mr. Philip Alston.

361. Introducing the discussion note, Mr. Alston stressed, first, that the Committee would acquire the sophistication and degree of specificity required in its work only if there was the possibility of considering in detail extremely specific issues relating to the International Covenant on Economic, Social and Cultural Rights; secondly, that the adoption of a complaints procedure for economic, social and cultural rights would in no way set a precedent, since such procedures were either already in existence (UNESCO, ILO and Economic and Social Council resolution 1503 (XLVIII)), were envisaged in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158), or were under consideration, as in the case of the Council of Europe in relation to the European Social Charter; thirdly, there was no reason to believe that

if the Committee adopted such a procedure it would be swamped with complaints, in the light of the experience of the Committee on the Elimination of Racial Discrimination; fourthly, that a protocol to the International Covenant on Economic, Social and Cultural Rights must of necessity be optional as complaints could only be submitted under such a protocol against States that had ratified it; and, finally, not having the competence to decide that an optional protocol should be drafted, the Committee could only make recommendations in that regard and invite States to consider the possibility of drafting such a protocol.

362. The members of the Committee congratulated Mr. Alston on the high quality of the paper. They supported the drafting of an optional protocol since that would enhance the practical implementation of the Covenant as well as the dialogue with States parties and would make it possible to focus the attention of public opinion to a greater extent on economic, social and cultural rights. The Covenant would no longer be considered as a "poor relation" of the human rights instruments. Members stressed that the doctrine of the interdependence and indivisibility of human rights should form the basis of any work done by the Committee on drawing up such a draft. In the course of that work, without underestimating the difficulties stemming from the nature and the complexity of the rights guaranteed in the Covenant, it would be appropriate to initiate a dialogue or process which would make it possible, on the one hand, to identify the areas that lent themselves to the gradual development of such a recourse procedure and, on the other hand, to avoid any possible overlapping with the procedures existing under other international human rights instruments. The adoption of an optional protocol might attract political support for the Committee from certain United Nations bodies including the Commission on Human Rights, as had happened in the case of the Human Rights Committee.

363. In their statements, the members of the Committee dealt with various specific problems that would have to be resolved during the future preparation of that extremely complex and difficult subject from the legal as well as political viewpoints, in view of the specificity and complexity of the rights set forth in the Covenant. In the first place, the subject of such a procedure should be defined - the individual, a group of persons, non-governmental organizations, other interested organizations which would be entitled to submit a complaint. In that context, it was suggested that in the initial phase that right should be granted only to States parties to the Covenant - that is to say, the setting up of an inter-State complaints procedure should be envisaged. Secondly, in respect of the rights which could give rise to complaints, the opinion was expressed that initially only a few rights should be covered and that their number should be gradually increased. Thirdly, it was stated that thought should be given to a provision similar to the clause on the exhaustion of domestic remedies provided in the case of the protection of civil and political rights and that the conditions and criteria for admissibility of complaints should also be envisaged. In that context, the problem was raised of the interrelationship between the domestic law procedure established by the national legislation of each of the States parties and the procedure that would be introduced by the protocol.

364. Given the complexity of the problem, it was suggested that it would be useful to have a comparative study on the justiciability of economic, social and cultural rights in various domestic jurisdictions - both in developed and developing countries. In that connection, it was suggested that it might be useful for Committee members to gather decisions by their national courts having a bearing on economic, social and cultural rights, to enable the Committee to gain a clearer picture of whether specific rights were justiciable in States parties; and that in the context of a complaint procedure, the Committee would have to establish its own benchmarks.

365. In the course of the discussion, it was suggested that the Committee should propose that the whole question of elaborating an optional protocol should be made the subject of an expert paper to be submitted to the World Conference on Human Rights to be held in Berlin in 1993.

366. At the conclusion of the discussion, members agreed on the need to continue the consideration of the question of the drafting of the optional protocol. A working paper broaching the issues raised during the discussion in a more precise and concrete manner should be drafted for the Committee at its seventh session, in the course of which it would probably be worthwhile to consider setting up a working group to study the paper and make recommendations to the Committee.

Chapter IX

PREPARATORY ACTIVITIES RELATING TO THE WORLD CONFERENCE ON HUMAN RIGHTS: RECOMMENDATIONS TO THE PREPARATORY COMMITTEE FOR THE WORLD CONFERENCE

367. At its 5th meeting, on 27 November 1991, the Committee established a sessional working group, entrusting it with the task of preparing draft recommendations to the Preparatory Committee for the World Conference on Human Rights. At its 23rd meeting, on 10 December 1991, the draft recommendations submitted by Mr. B. Simma, Chairman-Rapporteur of the sessional working group, were discussed and approved by the Committee, as amended in the course of the discussion, as follows:

The Committee on Economic, Social and Cultural Rights,

Bearing in mind paragraph 9 of General Assembly resolution 45/155 of 18 December 1990, paragraph 5 of Commission on Human Rights resolution 1991/30 of 5 March 1991, decision PC/6 adopted on 13 September 1991 by the Preparatory Committee for the World Conference on Human Rights at its first session, and paragraph 4 (VI) of General Assembly resolution 46/116 of 17 December 1991,

Recalling the principle that all human rights and fundamental freedoms are indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another,

Aware of the fact that economic, social and cultural rights are faced with a new challenge as more and more States find themselves in a stage of political as well as economic transition,

Emphasizing that it is precisely in such transition periods that the international obligations incumbent upon States parties to the Covenant on Economic, Social and Cultural Rights assume their primary importance for the particularly vulnerable members of society,

Convinced that, in the words of the Secretary-General of the United Nations, genuine political democracy has little chance of survival, and stability is bound to prove elusive, without social justice,

1. *Decides* to request its Chairperson or other designated members of the Committee to represent it at all further sessions of the Preparatory Committee of the World Conference on Human Rights;

2. *Adopts* the following recommendations to the Preparatory Committee:

(*a*) An energetic and concerted effort should be made both during the process of preparation of the World Conference on Human Rights and at the Conference itself, to induce States Members of the United Nations that have not yet done so to become parties to the two International Covenants, thereby taking a decisive step towards attaining universality of participation in these two basic instruments;

(b) States parties to the two International Covenants as well as to other human rights treaties should be encouraged to comply fully with their reporting obligations;

(c) A specific item relating to the activities of the treaty bodies of the United Nations human rights system should be included in the agenda of the World Conference;

(d) The agenda of the World Conference should be organized in such a manner so that the rights enshrined in the Covenant on Economic, Social and Cultural Rights are given due emphasis;

(e) Members of the United Nations human rights treaty bodies should be invited to contribute as observers by taking part as appropriate in the work of the World Conference;

(f) A meeting of members of human rights treaty bodies should be convened as part of the preparatory process of the World Conference in order to facilitate a comprehensive evaluation of the work of the treaty bodies with a view to making joint recommendations for the improvement of their functioning;

(g) Efforts should be made by the United Nations to give effect to the principle, enunciated in the Proclamation of Teheran of 13 May 1968, that human rights are interrelated, interdependent and indivisible;

(h) Efforts to popularize the idea that human rights are indivisible, interdependent and interrelated should be encouraged and promoted in seminars and workshops;

(i) Efforts should be made to win acceptance for the idea that the degree to which economic, social and cultural rights are exercised is an indication of a country's level of development, and hence to:

(i) Secure agreement that international development financing institutions should, in devising methods of assessing countries' development efforts, include the yardstick of exercise of economic, social and cultural rights in order to ensure that individuals are the beneficiaries of progress made by States in the field of development;

(ii) Encourage a better approach, nationally and regionally, to the human rights aspect of development programmes;

(iii) Encourage, by means of financial measures, efforts by countries committed to democracy, so as to help them give effect to economic, social and cultural rights; and support, by means of advisory services, efforts by countries engaged in democratic reform (transition), helping them to set up the appropriate institutions;

(j) Action should be taken to give effect to article 23 of the Covenant on Economic, Social and Cultural Rights by launching discussions on the various categories of rights covered by the Covenant in order to arrive at recommendations at the international level, in order to help the appropriate United Nations bodies to provide better support for the promotion of economic, social and cultural rights. This will encourage dialogue between experts, governments, international institutions, non-governmental organizations and bodies monitoring the Covenant (the Committee), and help them to arrive at a clearer understanding of all the aspects and practical steps that could further the implementation of the Covenant;

(k) Efforts at coordination among the international bodies responsible for development (World Bank, International Monetary Fund), specialized agencies and treaty-monitoring bodies are needed in order to permit a better assessment of the impact or the shortcomings that such agreements have on development in States parties;

(l) The list of issues to be examined during the preparatory process should include the following topics relating to more effective implementation of international instruments on human rights, particularly of reporting obligations under such instruments:

(i) Ways and means of improving and facilitating both the preparation of States parties' reports and their assessment by the supervisory bodies, for instance:

a. Better coordinated reporting cycles;

b. Sufficient meeting time for the treaty bodies;

c. More efficient use of advisory services by, among other things, employing the expertise of members of treaty bodies both in the preparation of reports and in the process of bringing domestic legislation and practice into conformity with international obligations;

d. Consolidation of the reports to be submitted by States parties to the various supervisory bodies (possibly going as far as the preparation of one single comprehensive report divided into various chapters addressed to the different treaty bodies);

e. Preparation of auxiliary documentation, e.g. a compilation of all general comments and concluding observations rendered by the treaty bodies, studies on common and overlapping provisions contained in the various human rights instruments and their application and interpretation by the different treaty bodies;

f. The elaboration of appropriate indicators to better evaluate progress made by States in complying with their treaty obligations;

(ii) The feasibility and desirability of entrusting the monitoring of compliance with new human rights instruments to already existing supervisory bodies as well as the possibility of adopting new treaty obligations in the form of additional protocols to already existing instruments, particularly to the two International Covenants;

(iii) The feasibility and desirability of a merger of some or all existing supervisory bodies into one or two committees, for instance, one committee would monitor compliance with civil and political rights and non-discrimination and the other would be entrusted with supervising the compliance with economic, social and cultural rights;

(iv) The creation of an adequate follow-up to reporting;

(v) Ways and means of inducing States to comply with their reporting obligations on time as well as in conformity with the guidelines devised by the supervisory bodies;

(vi) Ways to encourage States to submit their reports in conformity with the guidelines devised by the supervisory bodies;

(vii) Methods of increasing and consolidating the expertise of the treaty bodies in their respective fields, for instance, days of discussion during committee sessions, seminars and workshops;

(viii) Ways of facilitating communication between the supervisory bodies and non-governmental organizations;

(ix) Ways to improve the overall quality of the reports of the supervisory bodies, with a view also to rendering them more interesting to the general public, including the feasibility of preparing "country reports" consolidated from the respective parts of the annual reports submitted by the supervisory bodies;

(x) Ways to ensure that the reports submitted by the treaty bodies are given more adequate consideration in the various annual reports and similar documentation prepared by the United Nations as well as its specialized agencies;

(xi) The possibility of establishing a programme for advising States as to the most effective methods of incorporating international human rights instruments into their domestic legal orders;

(m) The States Members of the United Nations should provide the work of the Organization in the field of human rights, in particular the Centre at Geneva, with a more adequate financial basis, commensurate with the increase in human rights-related activities of the Organization, and including full funding of treaty bodies from the regular budget of the United Nations or through the appropriate financial arrangements enabling all of these committees to operate effectively on a permanent basis;

(n) Steps should be taken to ameliorate the efficiency of the Centre for Human Rights by strengthening its staff, in particular by recruiting new personnel already having experience in international human rights matters, by revising the Centre's internal organization of work and bringing to bear modern management techniques;

(o) The Preparatory Committee as well as the World Conference should further explore the following more far-reaching issues:

(i) The establishment of a high commissioner for human rights;

(ii) The creation of an international court for human rights;

(iii) The establishment of a (research) institute for human rights connected with the Centre at Geneva;

(iv) Cooperation and coordination with regional systems for the protection of human rights;

(p) Analytical and action-oriented studies should be prepared on the following topics:

(i) Effective implementation of international instruments on human rights, including reporting obligations under such instruments (revision and updating of the note by the Secretary-General A/44/668, of 8 November 1989);

(ii) Objectives of reporting;

(iii) Feasibility of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, providing for an individual communication procedure;

(iv) Obstacles preventing the full realization of economic, social and cultural rights, particularly in developing countries;

(v) The situation of particularly vulnerable members of society with regard to the enjoyment of economic, social and cultural rights;

(vi) Economic and social indicators appropriate for the evaluation of the performance by States parties to the International Covenant on Economic, Social and Cultural Rights of their respective treaty obligations.

Chapter X

REVIEW OF METHODS OF WORK OF THE COMMITTEE

Introduction

368. At its fourth session, the Committee decided that any proposals which required the approval of the Economic and Social Council should be formulated as draft decisions proposed for adoption by the Council. These drafts are contained in chapter I of the present report.

369. Many other matters relating to the work of the Committee were already covered by past resolutions of the Council. Thus endorsement by the Council in the case of decisions taken with respect to those matters was not required. Those matters are dealt with in the present chapter.

Conculsions and recommendations adopted by the Committee with respect to its future methods of work

General comments

370. The Committee had before it a draft general comment on article 11 (1) of the Covenant submitted by Mr. Bruno Simma. At its 23rd and 24th meetings, on 10 and 11 December 1991, the draft general comment was discussed and adopted as revised by the Committee. The text of General Comment No. 4 (1991) is contained in Annex III to the present report.

Relations with other United Nations and treaty bodies

371. The Committee believed that it was essential for its members to be kept abreast of all relevant current developments in the work of the other treaty supervisory bodies, of the principal human rights organs and of any other appropriate United Nations bodies. While appreciating the fact that the Secretary-General was already providing extensive documentation, the Committee felt the need for the most important developments to be distilled from this material and presented to it in a more systematic manner. It thus decided at its fourth session that, in future, one of its members should assume responsibility for briefing the Committee on current developments and that the member should be assisted by a written report to be prepared by the secretariat. This system worked effectively at the Committee's fifth and sixth sessions and it decided that the task would be entrusted to its Chairman at its seventh session. It noted that the agenda for the first week of each of its sessions should take this item into account.

372. The Committee decided at its sixth session to nominate individual members to follow the work of each of the other treaty bodies. The role of such individuals was to follow as closely as possible the work of the relevant committee, to liaise where possible with members of that committee and to present an oral report to the Committee on Economic, Social and Cultural Rights on developments of both a procedural and substantive nature in the work of the committee which appeared to be of specific relevance to the work of the Committee.

373. For that purpose the Chairman, after consultation with the Committee, appointed the following members: Mr. Mratchkov, Human Rights Committee; Mr. Simma, Committee on the Elimination of Racial Discrimination; Mrs. Ider, Committee on the Elimination of Discrimination against Women; Mrs. Jiménez Butragueño, Committee against Torture; and Mrs. Bonoan-Dandan, Committee on the Rights of the Child.

374. The Committee expressed its appreciation for the contribution made to its work by the specialized agencies and in particular by the representatives of ILO, WHO, UNDP and UNRISD.

Public information activities

375. The Committee recalled that, at its fourth and fifth sessions, it had requested the Secretary-General to undertake the preparation, perhaps at the end of its fifth session, of a brochure or booklet describing in detail the work of the Committee (E/1990/23, para. 302 and E/1991/23, para. 260). It took note, in that regard, of Fact Sheet No.16 published in connection with the World Public Information Campaign for Human Rights entitled "The Committee on Economic, Social and Cultural Rights". While welcoming this publication and noting that it included four pages of general information on its work, the Committee considered that it did not satisfy the need for a booklet "describing in detail the work of the Committee". The view was expressed that, in the light of the continuing widespread lack of awareness of the Committee's functions, procedures and preoccupations and of the measures it had taken, there remained a pressing need for a detailed and informative analysis to be made widely available. The Committee therefore requested the Secretary-General to make appropriate arrangements, as soon as possible, to ensure the preparation of such an analysis. For this purpose it authorized its Chairman to pursue the matter with the secretariat and to inform it at its seventh session of the progress achieved.

Resource room for treaty bodies

376. The Committee recalled again the following paragraphs contained in the report of its third session (E/1989/22, paras. 349 and 350):

> "The Committee noted that a proposal had been made in the report of the meeting of the persons chairing the human rights treaty bodies:
>
> > 'to establish a "committee resource room" in the Centre for Human Rights in which the principal documentation of the relevant committees could be kept, as well as copies of the constitutions and other basic legislation of States parties. In addition, relevant reports from other United Nations bodies and other sources could be made available for the information of experts. Such a facility would also facilitate greater interaction among Committee members, which was considered highly desirable. It was noted that virtually all of the documents could be obtained free of charge and that

> interns could be responsible for arranging and cataloguing the materials, so as not to incur additional staffing costs.'
>
> The Committee believes that such an initiative could be extremely useful and invites the Secretary-General to explore the possibilities and inform it of any developments at its fourth session."

377. It noted with regret that at each of its fourth, fifth and sixth sessions only very vague and non-committal information had been provided in response to the request made by the persons chairing the human rights treaty bodies as well as by the Committee. The view was again expressed that it appeared to reflect an inadequate appreciation of the indispensable importance of access to information by members of the various committees. The Committee observed that it made little sense for the Secretary-General to be offering various forms of technical assistance to States parties in relation to the Covenant and other instruments, while failing to take a major step specifically requested by the meeting of the persons chairing the human rights treaty bodies in 1988 and reiterated by the Committee in 1989, twice in 1990 and again in 1991. It therefore expressed the hope that the matter would finally be treated with the urgency it deserved. It indicated that such an information facility should be located in the Centre for Human Rights and not in the Library or any other location distant and detached from the Centre.

The role of United Nations information offices

378. The Committee recalled that the third meeting of the persons chairing the human rights treaty bodies (as well as the second meeting, held in 1988) had recommended (A/45/636, annex, para. 69) that each United Nations information office should, on a routine basis, make available all reports submitted to the treaty bodies by the State in whose territory it is located, along with the summary records relating to the examination of the reports. The Committee took note with satisfaction of the information provided by the secretariat to the effect that this recommendation would henceforth be implemented by all information offices.

Day of general discussion

379. The Committee decided that at its seventh session a day of general discussion would be held on Monday, 7 December 1992, devoted to the right to take part in cultural life as recognized in article 15 of the Covenant. For this purpose, the Committee agreed to invite all interested agencies and individual experts to participate in its general discussion.

Non-submission of reports

380. The Committee recalled that States parties had undertaken a clear obligation in accordance with the applicable rules of international law and the specific provisions of the Covenant to submit reports on a regular basis.

381. The Committee expressed its profound concern at the extent of non-compliance with reporting obligations by States parties to the Covenant. It noted that the growing number of States parties that had failed to submit initial reports for upwards of 10 years, combined with the large number of periodic reports that were five or more years overdue, threatened to undermine the foundations of the supervisory arrangements established in the Covenant. It concluded that, in accordance with relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, it was essential for appropriate measures to be taken on an urgent basis to address the situation.

382. The Committee thus adopted the following approach to be applied in the first phase in the case of initial reports that are 10 or more years overdue and subsequently in the case of all reports that are five or more years overdue:

(a) The Secretary-General was requested to send a note verbale to the States parties concerned inviting them to submit the overdue report(s) as soon as possible;

(b) At its seventh session the Committee would adopt a schedule for the consideration of reports which would include the two categories of reports referred to above. In the case of initial reports the Committee would base its work on all the relevant information available to it in accordance with its established procedures. In the case of periodic reports, the basis of the Committee's work would be the most recent report submitted by the State party in question as well as all other relevant information.

The approach to the formulation of concluding observations

383. The Committee engaged in several discussions in the course of its sixth session as to the most constructive way of structuring its approach to the formulation of concluding observations. It decided to adopt the following list of suggested criteria for formulating concluding observations:

(a) The extent to which the written report was satisfactory according to the Committee's guidelines;

(b) The extent to which the responses to written questions were satisfactory, including an indication of any major issues with respect to which no satisfactory response had been received;

(c) The extent to which the oral and written reports, taken together, had enabled the Committee to identify the major obstacles to the realization of the rights under consideration;

(d) The extent to which the State party concerned had demonstrated progress in the realization of the rights concerned since the consideration of its earlier reports;

(e) Identification of specific issues in relation to which:

(i) The Committee required more information, perhaps in the form of a further written submission;

(ii) The Committee considered further action to be required in order to satisfy the obligations contained in the Covenant;

(iii) The Committee considered that follow-up action, in terms of technical cooperation or international assistance, might be appropriate.

Sources of information

384. The Committee had consistently noted in its various reports that access to all relevant sources of information pertaining to economic, social and cultural rights was essential in order to enable it to discharge its monitoring functions effectively. At its fifth session it also noted that the conclusions and recommendations adopted by the third meeting of the persons chairing the human rights treaty bodies underlined the fact that "each of the treaty bodies should have access to all of the sources of information that it feels it needs in order to be effective". It was also concluded that "in this regard, information provided by non-governmental organizations can be of major importance" (A/45/636, annex, para. 68).

385. In addition the Committee took note of the fact that the Commission on Human Rights, in paragraph 9 of its resolution 1990/17, had urged "States parties, the specialized agencies and non-governmental organizations to contribute actively to the Committee's work through the various opportunities provided for in both written statements and oral interventions".

386. In order to improve the range and the number of sources of information available to it the Committee decided to invite all concerned bodies and individuals to submit relevant and appropriate documentation to it. Such information should be provided to the secretariat which would, in turn make it available to the members of the Committee. For this purpose the Committee decided to request the secretariat to establish a separate file with respect to each of the States parties whose reports were currently pending consideration. All available information on the country concerned should be included in the file. In particular the Committee requested the secretariat to ensure that the following information was placed in the relevant files and was available in time for the meeting of the pre-sessional working group:

(a) Information on the country available in any reports contained in the recent documentation of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(b) Information taken from the two most recent annual reports of the bodies concerned, on the consideration of any reports by the State concerned by the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women;

(c) Information on the country concerned contained in the two most recent reports of the ILO Committee of Experts on the Application of Conventions and Recommendations in so far as they concerned conventions which were of direct relevance to the provisions of the Covenant;

(d) Any relevant information on the situation in the country concerned which was available from the World Health Organization;

(e) The relevant statistical information on the country concerned contained in the relevant statistical tables printed in the most recent issue of the World Bank's World Development Report and UNICEF's report on the State of the World's children;

(f) The text of any report submitted to the United Nations or one of its specialized agencies to which specific reference was made by the State party in its report to the Committee;

(g) Any other relevant documentation submitted to the secretariat for inclusion in the file.

387. The Committee decided that these files should be maintained on a continuing basis and that a new file should be added whenever a new report was received for consideration by the Committee. The Committee noted that an information base of this type was indispensable to enable it to carry out its monitoring functions effectively.

Responsibilities of the secretariat

388. The Committee noted that it required appropriate services to be provided to it by the secretariat in order to ensure that it was able to carry out its work satisfactorily. It therefore requested that, in addition to the establishment and maintenance of the files referred to above, the secretariat should also prepare for each session of the pre-sessional working group a table indicating which issues, if any, identified in its reporting guidelines appeared not to have been addressed by the report provided by each State party whose report was before the working group.

389. In addition, the secretariat should continue to ensure that a dossier was prepared for the use of the Rapporteur, or another designated member of the Committee, in order to provide the documentary basis for a general overview of current developments of relevance to the Committee to be provided to the Committee during the first week of each session.

Relations with other bodies

390. In order to facilitate its consideration of the work of the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as it related directly to its work, the Committee requested the Secretary-General to provide its members at each session with all excerpts relevant to that work from the summary records of those bodies.

Chapter XI

ADOPTION OF THE REPORT

391. At its 25th and 26th meetings, held on 12 and 13 December 1991, the Committee considered its draft report (E/C.12/1991/CRP.1 and Add.1-11 and CRP.2 and Add.1-2) to the Economic and Social Council on the work of its sixth session. The Committee adopted the report as amended in the course of the discussion.

ANNEXES

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS IN ACCORDANCE WITH THE PROGRAMME ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX), DECISION 1985/132, RESOLUTION 1988/4 AND THE REVISED SCHEDULE FOR SUBMISSION OF REPORTS ADOPTED BY THE COMMITTEE AT ITS FOURTH SESSION

(as of 13 December 1991)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)			-	-	-
2. Algeria	12 December 1989	Overdue	Overdue	Overdue	-	-	-
3. Argentina	8 November 1986	Overdue	Overdue	E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/SR.18-20)	-	-	-
4. Australia	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/SR.18)	E/1982/3/Add.9 (E/1982/WG.1/SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/SR.10, 11, 13 and 14)	Overdue
5. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/SR.8)	E/1982/3/Add.37 (E/C.12/1988/SR.3)	-	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/SR.4 and 7)	-
6. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/SR.3)	E/1980/6/Add.27 (E/1982/WG.1/SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/SR.14-15)	Overdue	Overdue	Overdue
7. Belarus	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/SR.16)	E/1980/6/Add.18 (E/1981/WG.1/SR.16)	E/1982/3/Add.3 (E/1982/WG.1/SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/SR.10-12)	E/1990/7/Add.5 (Pending consideration)
8. Belgium	21 July 1983	Overdue	Overdue	Overdue	-	-	-
9. Bolivia	12 November 1982	Overdue	Overdue	Overdue	-	-	-

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
10. Bulgaria	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	Overdue
11. Burundi	9 August 1990	Arts. 1-15, due on 30 June 1992			-	-	-
12. Cameroon	27 September 1984	Overdue	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	Overdue	-	-	-
13. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/SR.8 and 11)	E/1990/6/Add.3 (Pending consideration)	
14. Central African Republic	8 August 1981	Overdue	Overdue	Overdue	-	-	-
15. Chile	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
16. Colombia	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25
17. Congo	5 January 1984	Overdue	Overdue	Overdue	-	-	-
18. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Arts. 1-15, due on 30 June 1993		
19. Cyprus	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/SR.2, 3 and 5)	Overdue

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
20. Czech and Slovak Federal Republic	23 March 1976	E/1978/8/Add.18 (E/1981/WG.1/ SR.1-2)	E/1980/6/Add.21 (E/1981/WG.1/SR.3)	E/1982/3/Add.18 (E/1983/WG.1/ SR.6-7)	E/1984/7/Add.25 (E/C.12/1987/ SR.12-15)	E/1986/4/Add.15 (E/C.12/1987/ SR.12-15)	E/1990/7/Add.6 (Pending consideration)
21. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Arts. 1-15, due on 30 June 1992		
22. Denmark	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	Overdue
23. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			-	-	-
24. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 (E/C.12/1990/SR.37-39 and 42)	E/1988/5/Add.7	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	-	-
25. Egypt	14 April 1982	Overdue	Overdue	Overdue	-	-	-
26. El Salvador	29 February 1980	Overdue	Overdue	Overdue	-	-	-
27. Equatorial Guinea	25 December 1987	Overdue	Overdue	Overdue	-	-	-
28. Finland	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1 SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16
29. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	Arts. 1-15, due on 30 June 1992		
30. Gabon	21 April 1983	Overdue	Overdue	Overdue	-	-	-
31. Gambia	29 March 1979	Overdue	Overdue	Overdue	-	-	-

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
32. Germany a/	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/SR.8) E/1978/8/Add.11 (E/1980/WG.1/SR.10)	E/1980/6/Add.6 (E/1981/WG.1/SR.8) E/1980/6/Add.10 (E/1981/WG.1/SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/SR.19-20)	E/1990/7/Add.12 (Pending consideration)
33. Greece	16 August 1985	Overdue	Overdue	Overdue	-	-	-
34. Grenada	6 December 1991	Arts. 1-15, due on 30 June 1993			-	-	-
35. Guatemala	19 August 1988	Overdue	Overdue	Overdue	-	-	-
36. Guinea	24 April 1978	Overdue	Overdue	Overdue	-	-	-
37. Guyana	15 May 1977	Overdue	Overdue	E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/SR.20 and 22 and E/1985/WG.1/SR.6)	-	-	-
38. Honduras	17 May 1981	Overdue	Overdue	Overdue	-	-	-
39. Hungary	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/SR.7)	E/1980/6/Add.37 (E/1986/WG.1/SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/SR.14)	E/1984/7/Add.15 (E/1984/WG.1/SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/SR.6-7 and 9)	E/1990/7/Add.10 (Pending consideration)
40. Iceland	22 November 1979	E/1990/5/Add.6 (Pending consideration)			-	-	-
41. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/SR.16-17 and 19)	Overdue	Overdue	Overdue
42. Iran (Islamic Republic of)	3 January 1976	E/1978/8/Add.2 b/	E/1990/5/Add.9 (Pending consideration)	E/1982/3/Add.43 (E/C.12/1990/SR.42, 43 and 45) E/1990/5/Add.9 (Pending consideration)	-	-	-

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
43. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)	Overdue	E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	Overdue
44. Ireland	8 March 1990	Arts. 1-15, due on 30 June 1992			-	-	-
45. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)	-	E/1990/6/Add.2 (Pending consideration)		
46. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	-	-
47. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12-13)	Arts. 1-15, due on 30 June 1992		
48. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1991/ SR.30-32)	Overdue	Overdue	Overdue
49. Kenya	3 January 1976	Overdue	Overdue	Overdue	-	-	-
50. Lebanon	3 January 1976	Overdue	Overdue	Overdue	-	-	-
51. Libyan Arab Jamahiriya	3 January 1976	Overdue	Overdue	E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)	-	-	-

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
52. Luxembourg	18 November 1983	E/1990/5/Add.1(E/C.12/1990/SR.33-36)			Arts. 1-15, due on 30 June 1993		
53. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
54. Mali	3 January 1976	Overdue	Overdue	Overdue	-	-	-
55. Malta	13 December 1990	Arts. 1-15, due on 30 June 1992			-	-	-
56. Mauritius	3 January 1976	Overdue	Overdue	Overdue	-	-	-
57. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	Arts. 1-15, due on 30 June 1992		
58. Mongolia	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	Overdue
59. Morocco	3 August 1979	Overdue	Overdue	Overdue	-	-	-
60. Nepal	14 August 1991	Arts. 1-15, due on 30 June 1993			-	-	-
61. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	-	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	-
62. New Zealand	28 March 1979	E/1990/5/Add.5 (Pending consideration)			-	-	-

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
63. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15 (Pending consideration)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	-	-	-
64. Niger	7 June 1986	Overdue	Overdue	Overdue	-	-	-
65. Norway	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (Pending consideration)
66. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	Overdue	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	Overdue
67. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	Overdue	Overdue	-	-	-
68. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	Overdue	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	-	-
69. Poland	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (Pending consideration)
70. Portugal	31 October 1978	E/1984/6/Add.16 c/	E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	Overdue	Overdue	Overdue
71. Republic of Korea	10 July 1990	Arts. 1-15, due on 30 June 1992			-	-	-
72. Romania	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	Overdue

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
73. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue
74. Saint Vincent and the Grenadines	9 February 1982	Overdue	Overdue	Overdue	-	-	-
75. San Marino	18 January 1986	Overdue	Overdue	Overdue	-	-	-
76. Senegal	13 May 1978	Overdue	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	-	-	-
77. Solomon Islands	17 March 1982	Overdue	Overdue	Overdue	-	-	-
78. Somalia	24 April 1990	Arts. 1-15, due on 30 June 1992			-	-	-
79. Spain	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
80. Sri Lanka	11 September 1980	Overdue	Overdue	Overdue	-	-	-
81. Sudan	18 June 1986	Overdue	Overdue	Overdue	-	-	-
82. Suriname	28 March 1977	Overdue	Overdue	Overdue	-	-	-
83. Sweden	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
84. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)	-	E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
85. Togo	24 August 1984	Overdue	Overdue	Overdue	-	-	-

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
86. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	Arts. 1-15, due on 30 June 1993		
87. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)	Overdue	-	-	-
88. Uganda	21 April 1987	Overdue	Overdue	Overdue	-	-	-
89. Ukraine	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (Pending consideration)
90. Union of Soviet Socialist Republics	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (Pending consideration)
91. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17)	Overdue
92. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1980/WG.1/ SR.5)	Overdue	-	-	-
93. Uruguay	3 January 1976	E/1990/5/Add.7 (Pending consideration)			-	-	-
94. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	Overdue	Overdue	Overdue
95. Viet Nam	24 December 1982	Overdue	Overdue	Overdue	-	-	-

Annex I (concluded)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
96. Yemen d/	9 May 1987	-	-	-	-	-	-
97. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	Overdue	Overdue
98. Zaire	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7 (E/C.12/1988/SR.16-19)	E/1982/3/Add.41	Arts. 1-15, due on 30 June 1992		
99. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue	-	-	-
100. Zimbabwe	13 August 1991	Arts. 1-15, due on 30 June 1993			-	-	-

a/ Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation of "Germany". The former German Democratic Republic ratified the Covenant on 3 January 1976.

b/ Withdrawn.

c/ Not yet issued for technical reasons, in consultation with the reporting State.

d/ As of 22 May 1990 Democratic Yemen and Yemen merged into a single sovereign State, the Republic of Yemen. Democratic Yemen had acceded to the Covenant on 9 May 1987. Yemen was not a State party to the Covenant.

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Name of member	Country of nationality	Term expires on 31 December
Mr. Philip ALSTON	Australia	1994
Mr. Juan ALVAREZ VITA	Peru	1992
Mr. Abdel Halim BADAWI	Egypt	1994
Mrs. Virginia BONOAN-DANDAN	Philippines	1994
Mr. Mohamed Lamine FOFANA	Guinea	1992
Mrs. Luvsandanzangiin IDER	Mongolia	1994
Mrs. María de los Angeles JIMENEZ BUTRAGUEÑO	Spain	1992
Mr. Samba Cor KONATE	Senegal	1992
Mr. Valeri I. KOUZNETSOV	Union of Soviet Socialist Republics	1994
Mr. Jaime Alberto MARCHAN ROMERO	Ecuador	1994
Mr. Vassil I. MRATCHKOV	Bulgaria	1992
Mr. Alexandre MUTERAHEJURU	Rwanda	1994
Mr. Wladyslaw NENEMAN	Poland	1992
Mr. Kenneth Osborne RATTRAY	Jamaica	1992
Mr. Bruno SIMMA	Germany	1994
Mr. Mikis Demetriou SPARSIS	Cyprus	1992
Mr. Philippe TEXIER	France	1992
Mr. Javier WIMER ZAMBRANO	Mexico	1994

Annex III

GENERAL COMMENT No. 4 (1991)

The right to adequate housing (art. 11 (1) of the Covenant)

1. Pursuant to article 11 (1) of the Covenant, States parties "recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions". The human right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights.

2. The Committee has been able to accumulate a large amount of information pertaining to this right. Since 1979, the Committee and its predecessors have examined 75 reports dealing with the right to adequate housing. The Committee has also devoted a day of general discussion to the issue at each of its third (see E/1989/22, para. 312) and fourth sessions (E/1990/23, paras. 281-285). In addition, the Committee has taken careful note of information generated by the International Year of Shelter for the Homeless (1987) including the Global Strategy for Shelter to the Year 2000 adopted by the General Assembly in its resolution 42/191 of 11 December 1987. a/ The Committee has also reviewed relevant reports and other documentation of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. b/

3. Although a wide variety of international instruments address the different dimensions of the right to adequate housing c/ article 11 (1) of the Covenant is the most comprehensive and perhaps the most important of the relevant provisions.

4. Despite the fact that the international community has frequently reaffirmed the importance of full respect for the right to adequate housing, there remains a disturbingly large gap between the standards set in article 11 (1) of the Covenant and the situation prevailing in many parts of the world. While the problems are often particularly acute in some developing countries which confront major resource and other constraints, the Committee observes that significant problems of homelessness and inadequate housing also exist in some of the most economically developed societies. The United Nations estimates that there are over 100 million persons homeless worldwide and over 1 billion inadequately housed. d/ There is no indication that this number is decreasing. It seems clear that no State party is free of significant problems of one kind or another in relation to the right to housing.

5. In some instances, the reports of States parties examined by the Committee have acknowledged and described difficulties in ensuring the right to adequate housing. For the most part, however, the information provided has been insufficient to enable the Committee to obtain an adequate picture of the

situation prevailing in the State concerned. This General Comment thus aims to identify some of the principal issues which the Committee considers to be important in relation to this right.

6. The right to adequate housing applies to everyone. While the reference to "himself and his family" reflects assumptions as to gender roles and economic activity patterns commonly accepted in 1966 when the Covenant was adopted, the phrase cannot be read today as implying any limitations upon the applicability of the right to individuals or to female-headed households or other such groups. Thus, the concept of "family" must be understood in a wide sense. Further, individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other affiliation or status and other such factors. In particular, enjoyment of this right must, in accordance with article 2 (2) of the Covenant, not be subject to any form of discrimination.

7. In the Committee's view, the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity. This is appropriate for at least two reasons. In the first place, the right to housing is integrally linked to other human rights and to the fundamental principles upon which the Covenant is premised. Thus "the inherent dignity of the human person" from which the rights in the Covenant are said to derive requires that the term "housing" be interpreted so as to take account of a variety of other considerations, most importantly that the right to housing should be ensured to all persons irrespective of income or access to economic resources. Secondly, the reference in article 11 (1) must be read as referring not just to housing but to adequate housing. As both the Commission on Human Settlements and the Global Strategy for Shelter to the Year 2000 have stated: "Adequate shelter means ... adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost".

8. Thus the concept of adequacy is particularly significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered to constitute "adequate housing" for the purposes of the Covenant. While adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, the Committee believes that it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in any particular context. They include the following:

(a) Legal security of tenure. Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.

States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;

(b) Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;

(c) Affordability. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials;

(d) Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the Health Principles of Housing e/ prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates;

(e) Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

(f) Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;

(g) Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, *inter alia*, modern technological facilities, as appropriate are also ensured.

9. As noted above, the right to adequate housing cannot be viewed in isolation from other human rights contained in the two International Covenants and other applicable international instruments. Reference has already been made in this regard to the concept of human dignity and the principle of non-discrimination. In addition, the full enjoyment of other rights - such as the right to freedom of expression, the right to freedom of association (such as for tenants and other community-based groups), the right to freedom of residence and the right to participate in public decision-making - is indispensable if the right to adequate housing is to be realized and maintained by all groups in society. Similarly, the right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence constitutes a very important dimension in defining the right to adequate housing.

10. Regardless of the state of development of any country, there are certain steps which must be taken immediately. As recognized in the Global Strategy for Shelter and in other international analyses, many of the measures required to promote the right to housing would only require the abstention by the Government from certain practices and a commitment to facilitating "self-help" by affected groups. To the extent that any such steps are considered to be beyond the maximum resources available to a State party, it is appropriate that a request be made as soon as possible for international cooperation in accordance with articles 11 (1), 22 and 23 of the Covenant, and that the Committee be informed thereof.

11. States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others. The Committee is aware that external factors can affect the right to a continuous improvement of living conditions, and that in many States parties overall living conditions declined during the 1980s. However, as noted by the Committee in its General Comment No. 2 (1990) (E/1990/23, annex III), despite externally caused problems, the obligations under the Covenant continue to apply and are perhaps even more pertinent during times of economic contraction. It would thus appear to the Committee that a general decline in living and housing conditions, directly attributable to policy and legislative decisions by States parties, and in the absence of accompanying compensatory measures, would be inconsistent with the obligations under the Covenant.

12. While the most appropriate means of achieving the full realization of the right to adequate housing will inevitably vary significantly from one State party to another, the Covenant clearly requires that each State party take whatever steps are necessary for that purpose. This will almost invariably require the adoption of a national housing strategy which, as stated in paragraph 32 of the Global Strategy for Shelter, "defines the objectives for the development of shelter conditions, identifies the resources available to meet these goals and the most cost-effective way of using them and sets out the responsibilities and time-frame for the implementation of the necessary measures". Both for reasons of relevance and effectiveness, as well as in order to ensure respect for other human rights, such a strategy should reflect extensive genuine consultation with, and participation by, all of those affected, including the homeless, the inadequately housed and their representatives. Furthermore, steps should be taken to ensure coordination between ministries and regional and local authorities in order to reconcile related policies (economics, agriculture, environment, energy, etc.) with the obligations under article 11 of the Covenant.

13. Effective monitoring of the situation with respect to housing is another obligation of immediate effect. For a State party to satisfy its obligations under article 11 (1) it must demonstrate, inter alia, that it has taken whatever steps are necessary, either alone or on the basis of international cooperation, to ascertain the full extent of homelessness and inadequate housing within its jurisdiction. In this regard, the revised general guidelines regarding the form and contents of reports adopted by the Committee (E/C.12/1991/1) emphasize the need to "provide detailed information about those groups within ... society that are vulnerable and disadvantaged with regard to housing". They include, in particular, homeless persons and families, those inadequately housed and without ready access to basic amenities, those living in "illegal" settlements, those subject to forced evictions and low-income groups.

14. Measures designed to satisfy a State party's obligations in respect of the right to adequate housing may reflect whatever mix of public and private sector measures considered appropriate. While in some States public financing of housing might most usefully be spent on direct construction of new housing, in most cases, experience has shown the inability of Governments to fully satisfy housing deficits with publicly built housing. The promotion by States parties of "enabling strategies", combined with a full commitment to obligations under the right to adequate housing, should thus be encouraged. In essence, the obligation is to demonstrate that, in aggregate, the measures being taken are sufficient to realize the right for every individual in the shortest possible time in accordance with the maximum of available resources.

15. Many of the measures that will be required will involve resource allocations and policy initiatives of a general kind. Nevertheless, the role of formal legislative and administrative measures should not be underestimated in this context. The Global Strategy for Shelter (paras. 66-67) has drawn attention to the types of measures that might be taken in this regard and to their importance.

16. In some States, the right to adequate housing is constitutionally entrenched. In such cases the Committee is particularly interested in learning of the legal and practical significance of such an approach. Details of specific cases and of other ways in which entrenchment has proved helpful should thus be provided.

17. The Committee views many component elements of the right to adequate housing as being at least consistent with the provision of domestic legal remedies. Depending on the legal system, such areas might include, but are not limited to: (a) legal appeals aimed at preventing planned evictions or demolitions through the issuance of court-ordered injunctions; (b) legal procedures seeking compensation following an illegal eviction; (c) complaints against illegal actions carried out or supported by landlords (whether public or private) in relation to rent levels, dwelling maintenance, and racial or other forms of discrimination; (d) allegations of any form of discrimination in the allocation and availability of access to housing; and (e) complaints against landlords concerning unhealthy or inadequate housing conditions. In some legal systems it would also be appropriate to explore the possibility of facilitating class action suits in situations involving significantly increased levels of homelessness.

18. In this regard, the Committee considers that instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.

19. Finally, article 11 (1) concludes with the obligation of States parties to recognize "the essential importance of international cooperation based on free consent". Traditionally, less than 5 per cent of all international assistance has been directed towards housing or human settlements, and often the manner by which such funding is provided does little to address the housing needs of disadvantaged groups. States parties, both recipients and providers, should ensure that a substantial proportion of financing is devoted to creating conditions leading to a higher number of persons being adequately housed. International financial institutions promoting measures of structural adjustment should ensure that such measures do not compromise the enjoyment of the right to adequate housing. States parties should, when contemplating international financial cooperation, seek to indicate areas relevant to the right to adequate housing where external financing would have the most effect. Such requests should take full account of the needs and views of the affected groups.

Notes

a/ Official Records of the General Assembly, Forty-third Session, Supplement No. 8, addendum (A/43/8/Add.1).

b/ Commission on Human Rights resolutions 1986/36 and 1987/22; reports by Mr. Danilo Türk, Special Rapporteur of the Subcommission (E/CN.4/Sub.2/1990/19, paras. 108-120; E/CN.4/Sub.2/1991/17, paras. 137-139); see also Subcommission resolution 1991/26.

c/ See, for example, article 25 (1) of the Universal Declaration on Human Rights, article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, article 27 (3) of the Convention on the Rights of the Child, article 10 of the Declaration on Social Progress and Development, section III (8) of the Vancouver Declaration on Human Settlements, 1976 (Report of Habitat: United Nations Conference on Human Settlements (United Nations publication, Sales No. E.76.IV.7 and corrigendum), chap. I), article 8 (1) of the Declaration on the Right to Development and the ILO Recommendation Concerning Workers' Housing, 1961 (No. 115).

d/ See footnote a/.

e/ Geneva, World Health Organization, 1990.

Annex IV

DISCUSSION NOTE ON THE PROBLEMS OF THE ELDERLY AS THEY RELATE TO THE REALIZATION OF THE RIGHTS RECOGNIZED IN THE COVENANT

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INTRODUCTION

1. The world population is ageing at a progressive rate, particularly in Europe and Japan. This is a demographic phenomenon peculiar to the twentieth century, since prior to 1900 there was no ageing of the population in any country. It is due to the progressive increase in the population over 65 - the "third age" - which has been caused by a higher life expectancy and a declining birth rate (number of children per woman).

2. The minimum fertility rate for the replacement of generations is 2.1 children per woman; for some time now the majority of European countries, the United States of America, Australia, Canada and Japan have fallen short of this figure. According to the indicators of the Population Division of the Department of International Economic and Social Affairs, in 1987, in the then Federal Republic of Germany, the rate was 1.4; in the Netherlands, Denmark and Italy 1.5; in Belgium 1.6; in Norway, Sweden, Finland, Portugal, Greece, Spain, the German Democratic Republic and Japan 1.7; in France, Hungary, the United Kingdom and the United States 1.8; in Yugoslavia and Bulgaria 1.9; in Czechoslovakia 2.0; in Romania 2.1; in Poland 2.2; in the USSR 2.3; in Ireland 2.4; and in Albania 2.9.

3. The ageing trend is also occurring in many countries in Latin America and Asia which are in a period of transition, while the majority of countries in sub-Saharan Africa have already entered the initial stage of the process. In the second decade of the twenty-first century, population ageing will be obvious in all regions of the world. It is predicted that, in the year 2025, there will be 1.2 billion persons over the age of 60 in the world, of which approximately 71 per cent will be in the developing countries. Even at the present time, the majority of persons over 60 live in the developing countries.

4. In the "third age" category, the group which is increasing most rapidly is that of persons over 80, called the "fourth age", to distinguish it from the rest of the elderly population because of its special characteristics and needs.

5. In the OECD countries, the "fourth age" presently represents 1 to 3 per cent of the total population and will most probably reach 6 to 9 per cent by the middle of the next century. This calls for a health and welfare structure that is able to meet the needs of this population group which requires special care.

6. In the meantime, the economically active population, which is shrinking, will have to assume responsibility for a population that is economically inactive but is steadily increasing in numbers. In the OECD countries, the

ratio today between economically inactive and active persons is one to five and it could double by the year 2040. The burden that this represents for the working population, which has to finance benefits and pensions for the non-working population with its contributions, could help to trigger off a "generation" struggle, the demographic equivalent of a new class struggle in which the elderly will be the losers.

7. As the population ages, and as the effects of industrial rationalization and the application of new technologies which have contributed to the increase in unemployment are felt, an increase in social expenditure will be required. This increase poses considerable problems for the Governments of all countries. Difficult and complex measures will be needed even though limited resources are available and must be based on the adoption of a scale of priorities and on solidarity among the different bodies and groups of society in order to avoid leaving its most vulnerable members unprotected.

I. ACTIVITIES OF INTERNATIONAL ORGANIZATIONS

8. Since 1948, when Argentina submitted a draft declaration of old age rights to the General Assembly, various United Nations bodies have addressed the problem of ageing.

9. At its thirty-third session, the General Assembly by its resolution 33/52 decided to convene a World Assembly on the Elderly, which was held at Vienna in 1982 and adopted the International Plan of Action on Aging. [b]

10. The Commission for Social Development has been designated as the intergovernmental body to review the implementation of the Plan of Action every four years and to make proposals for updating the Plan as necessary. The findings of the review are transmitted through the Economic and Social Council to the General Assembly for consideration, and the Centre for Social Development and Humanitarian Affairs acts as the coordinator of this process.

11. The Plan has been executed in stages. During the first stage an attempt was made to promote greater awareness by the international community of the phenomenon of ageing. During the second stage, emphasis was placed on the need to develop an infrastructure that could respond to this new challenge. In its resolution 43/93, the General Assembly supported various structural initiatives to supplement the existing programmes. During the third stage, which will end in 1992 and will coincide with the tenth anniversary of the adoption of the Plan of Action, the participation of the elderly in development will be discussed. The aim is to encourage their participation in society, reducing their dependence as well as the high social and economic cost that this represents.

12. The main protagonists of the International Plan of Action are the States Members of the United Nations. At the World Assembly on Aging, in 1982, which adopted the International Plan of Action on Aging, 124 countries participated; 77 countries participated in the first review and appraisal of its implementation in 1984-1985 [c] and 58 countries participated in the second review which was carried out in 1988-1989. [d]

13. Over 80 countries have established national mechanisms to deal specifically with ageing and the implementation of the Plan of Action and in some of them ministerial departments for the elderly have been established.

14. As was reflected in the report on the second review and appraisal of the implementation of the Plan of Action, training was the main requirement of Member States. The Economic and Social Council, by its resolution 1987/41, supported the establishment of training institutes and, by its resolution 1989/50, requested the Centre for Social Development and Humanitarian Affairs to coordinate their activities. The first institute was established in Malta. At the request of the Governments of Yugoslavia and Argentina and in conformity with its resolutions 1987/41 and 1989/50, consideration is being given to setting up two further institutes in Belgrade and Buenos Aires. The Dominican Republic has also requested the establishment of another institute for Central America and the Caribbean.

15. Among the specialized agencies, ILO, WHO and UNESCO have devoted and continue to devote special attention to the phenomenon of ageing in their specific fields of activity.

16. The ILO Employment Policy Recommendation, 1964 (No. 122) highlights the need to adopt selective placement measures so as to secure the integration of elderly workers in the labour market. The ILO Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) recommends that measures should be adopted to ensure that workers are guaranteed an old-age pension at the end of their working and professional life. Lastly, the Older Workers Recommendation, 1980 (No. 162) stresses the desirability of adopting mechanisms which will allow for greater flexibility both in respect of the age of entitlement to a retirement pension, recommending the elimination of a statutory retirement age, and the possibility of reconciling the right to draw a retirement pension with the performance of productive activity.

17. OECD has also given special attention to the problems of ageing. Initially (from 1967 to the beginning of the 1973 crisis), it emphasized the placement of elderly workers through training, selective employment and the adaptation of jobs to their special characteristics and needs.

18. Subsequently, OECD focused attention on the problems which a steadily increasing economically inactive population can create in the long run for existing social security schemes and recommended the adoption of supplementary pension plans, flexible retirement and use of the know-how and experience of retired persons.

19. The Council of Europe, following the guidelines adopted in the European Social Charter, the European Code of Social Security and its Additional Protocol, and the principles adopted by the OECD Manpower and Social Affairs Committee in respect of employment on 5 January 1967, has regularly addressed issues relating to ageing (employment, social security, health care, housing and accommodation, residences, assistance to the elderly and their families, flexible retirement age, etc.).

20. Lastly, the EEC, operating within a framework very similar to that of the Council of Europe, has adopted a number of directives on flexible retirement, which have taken account of ILO Recommendations, in particular Recommendation No. 162.

21. The Council of Europe Recommendation of 10 December 1982 on the principles of a Community policy on the retirement age, based on the Council resolution of 18 December 1979 on the adaptation of working time, establishes four principles for achieving the gradual establishment of flexible retirement within the framework of the different retirement systems:

(a) Flexibility of the rules governing the age from which a retirement pension may be drawn, in order to ensure that retirement is voluntary;

(b) Possibility for employed persons to obtain a gradual reduction in their working hours during the years immediately preceding their retirement;

(c) Possibility of receiving an old-age or retirement pension for any form of paid employment;

(d) Organization of retirement preparation programmes during the years preceding the end of working life.

II. NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS

22. Associations of the elderly have grown so large in all countries they have now formed international federations.

23. In 1966, the European Federation for the Welfare of the Elderly (EURAG) was formed. Its main objectives are to encourage the development of the personality of the elderly person and ensure his dignity. Its specific aims are to exchange experiences among its members through publications and international congresses, encourage gerontological research, protect the rights of the elderly, provide them with legal advice, conduct studies on geriatry and the prevention of ageing, encourage meetings among the different generations, set up councils of the elderly and promote socio-cultural, artistic and creative activities.

24. Later, in 1973, the International Federation on Aging was founded in London. The size of its membership, the projects it conducts and its involvement in international organizations has made it the leading international association for the elderly. Its headquarters are in Washington, and for some years now it has enjoyed consultative status with the Economic and Social Council, ILO, WHO and UNESCO, as well as UNFPA and the Council of Europe.

25. The International Federation on Aging acts as an international spokesman for the protection of the elderly and gave very constructive support for the holding of the World Assembly on Aging in Vienna. One of its most active members is the American Association of Retired Persons (AARP), which has 30 million members, over 1,000 employees and a very large number of volunteer worker associates.

26. In 1980, the International Federation of Associations of the Elderly was formed in Paris with various representative associations in France, Italy, Belgium and Spain. It will soon extend throughout Europe and the Americas and some Asian and African countries.

27. On 15 September 1987, the Secretary-General of the United Nations awarded the International Federation of Associations of the Elderly the "Messenger of Peace" diploma. Prior to that, in 1983, it had been granted consultative status by the Economic and Social Council in recognition of its work in helping associations to assist the elderly and for its dynamic activity worldwide.

28. At an international seminar held in Malta in 1988, a European liaison committee for the elderly of EEC countries was founded and three representatives were elected democratically for each of the EEC member States. The International Federation seeks to ensure that the elderly are not excluded from the building of a more just and more humane Europe.

29. Finally, in 1991, Eurolink-Age was founded for the purpose of protecting the interests of the European elderly. Its members include bodies, associations and non-governmental organizations from the 12 EEC countries. Geriatricians, gerontologists, sociologists, social workers, politicians, retirees and persons interested in the elderly are also members in their individual capacity. Eurolink-Age is financed by members' subscriptions and receives support from Age Concern England, the most powerful organization of retired persons in the United Kingdom. Through its efforts, the third age has come to be considered as a priority population group within the EEC.

30. With Eurolink-Age support, the European parliamentarians have formed a multiparty group for the elderly composed of European parliamentarians of all political trends.

31. There are other third age organizations of international scope which deal with the practical aspects of ageing (European Federation for the Welfare of the Elderly, the Los Angeles-based International Senior Citizens Association, Opera Pia International for Active Aging, sponsored by the Roman Catholic Church, and the International Association of Gerontology). The latter held its XIVth International Congress, with United Nations sponsorship, in Acapulco, Mexico, from 18 to 23 June 1989. Over 3,000 experts attended and it was the first international congress convened in a developing country. United Nations participation in the Congress achieved three objectives: (a) the international dialogue on ageing was extended to the developing countries; (b) an international framework was established for the implementation of the International Plan of Action on Aging; and (c) experiences and opinions were exchanged among organizations working to develop and expand a technical cooperation network with particular emphasis on small self-help projects in villages and communities.

32. Regarding educational and cultural activities, in 1973 Professor Pierre Vallas set up the first third age university in the world at the University of Social Sciences in Toulouse. Since then, third age universities have been established in all the continents. The first were in

France, Switzerland, Belgium and Canada. Shortly after, third age universities were set up in Australia, Spain, Germany, Italy, Finland, Poland, the United Kingdom, the United States, Argentina and elsewhere. Out of them grew the International Association of the Third Age Universities (AIUTA).

33. The AIUTA mainly conducts studies, carrys out research and publishes on subjects in the fields of geriatry and gerontology, holds scientific congresses and promotes third age universities, centres where retired persons can participate in a variety of cultural and training activities. Its goals also include personal and community development, integration of the elderly into society and prevention of pathological ageing. In September 1988, the fifteenth anniversary of the establishment of the first third age university was celebrated under the theme "For a more humane society".

III. CONCLUSIONS

34. The documentation researched for drafting this document (see appendix II) demonstrates that with the ageing of the population, and in particular with the increase in the numbers of persons over 80, known as the fourth age, social security systems need to be restructured. It would also be desirable to introduce flexible retirement arrangements to enable the elderly to go on working if they so wished, provided that they are in good physical and mental health and can perform their jobs satisfactorily.

35. In recent years, not only has there been a steady increase in the number of persons in the fourth age group but another, ever-larger group is emerging, especially in the developed countries, of "active retired persons" who, because of the success of the economic, health and social policies of recent decades, enjoy better health and are better off economically than retired persons in the past.

36. Although the age of 80 is established as a purely chronological limit between the third age and the fourth age and may prove to be inappropriate in individual cases, there is no doubt that there is a close relationship between the age and the physical and mental health of persons and their ability to carry out day-to-day activities independently. Statistics show that most people over 80 usually suffer from chronic diseases and degenerative processes, mainly cerebrovascular and cardiovascular illnesses, rheumatic diseases, osteoporosis, arteriosclerosis, senile dementia, etc., require constant geriatric care and sometimes lengthy periods of health care in an institution or in their own homes as well as permanent assistance in seeing to their personal hygiene, moving around and doing domestic chores.

37. The evolution of the concept of the family, from the extended family model to a nucleus formed of the couple and their children, the increase in the number of divorces and the fact that the women go out to work are all factors which have served to isolate and increase the loneliness of old people, who in the not so distant past occupied a privileged place within society and the family. This evolution is more evident in the developed countries and more marked in urban than in rural areas.

38. Whereas the fourth age represents a challenge, because the majority of countries are not prepared to provide for the needs and demands of this increasingly large group, the active retirees or third age constitute a potential resource, which can play a significant role in the future, by contributing know-how and experience in professional and trade union activities and even in politics, by forming its own parties or cooperating with existing ones. It also constitutes a skilled reserve of manpower which predictably will be called upon in the long term. The elderly are already being regarded as a new power: "grey power". For example, in Spain, retired persons represent 16 per cent of the electorate, they are the group with the lowest level of abstention and they have founded their first political party.

39. However, besides these privileged retirees, there are still many old people who have no pensions or who receive inadequate ones, even in countries which have pension schemes that may be considered satisfactory, and who are in the forefront of the most vulnerable, marginalized and unprotected groups of society.

40. The groups comprising the third and fourth ages are obviously as heterogeneous and diverse as the rest of the population. This diversity is due to the considerable differences, both at the world level and within individual countries, which exist in such important areas as health, the family environment, the economic situation and the well-being of the elderly, on account of a host of demographic and economic as well as geographical, social, cultural and labour-related factors (location of the country of residence, family situation, level of education and occupation before retirement, etc.).

IV. RECOMMENDATIONS AND SUGGESTIONS

41. The recommendations and suggestions of the international organizations cover the whole range of political and humanitarian problems which affect the elderly.

42. For purposes of simplification they have been classified into three types: (a) general measures; (b) measures for the third age; and (c) measures for the fourth age.

(a) General Measures

(1) At the end of their working lives, workers should be recognized as being entitled to a retirement pension in an amount adapted to the cost of living and, as far as possible, the indigent elderly should be provided with the opportunity of receiving non-contributory pensions or a guaranteed minimum income even if they have not worked.

(2) Encouragement should be given to the creation of supplementary public, professional or private pension schemes which enable retired persons to maintain a living standard similar to the one they enjoyed before retirement, but these pensions should not affect the basic pensions to which they are legally entitled.

(3) The role of preventive medicine (regular check-ups, nutrition, exercise, etc.), alternative medicines, rehabilitation and geriatric and gerontological specializations in combating premature ageing and chronic and infectious diseases should be reassessed.

(4) The elderly should be given the possibility of continuing to live in their own homes for as long as they can, taking care to ensure that their environment is safe and adapted to their needs.

(5) They should be assured access to transport through the granting of subsidies, and architectural obstacles in transport vehicles, buildings, markets, etc., should be eliminated.

(6) The integration of the elderly in society should be encouraged as well as their participation in the formulation and implementation of policies which directly affect their interests, by encouraging the formation of associations of elderly and retired persons and their integration into professional or trade union associations and political parties.

(7) Measures should be encouraged which enable the elderly to contribute their experience and provide a service to society, by working as volunteers in jobs suited to their interests and abilities (as consultants, teachers, etc.).

(8) Action should be taken to facilitate access by the elderly to educational, scientific and cultural facilities and sports and recreational activities to at least the same extent as the rest of the population.

(9) It must be ensured that the elderly are treated with dignity both in their family setting and in residences, hospitals and geriatric centres and with full respect for their dignity, beliefs, privacy, etc., regardless of their age, sex, race, or ethnic origin, disability or economic situation.

(10) All professionals who take care of or are in contact with the elderly (doctors, nurses, social workers and health care personnel at all levels) must be given training courses in gerontology and geriatrics and in psychology as applied to the elderly, and such training even be made mandatory, so that their assistance to the elderly will be more humane and personal.

(b) Measures for the third age

(1) Selective placement mechanisms as well as occupational training and recycling schemes should be adopted to facilitate the employment of elderly workers, especially in the period immediately preceding retirement. Where persons approaching retirement age are involuntarily unemployed, formulas should be devised to enable them to continue receiving an unemployment benefit until their retirement or at least to ensure that their social security contributions are paid up to that date, so as to maintain their pension rights.

(2) Pension regulations should be made more flexible so that workers may retire on a voluntary basis, and the statutory age of retirement should be eliminated, provided that elderly persons are capable of performing their jobs

satisfactorily. The transition from active worker to retiree should be determined by ability to perform rather than by chronological age, the wishes of the worker being respected in all cases.

For arduous, dangerous and unhealthy occupations, it is logical that early retirement arrangements should be worked out, again respecting the rights of the workers because, in fact, they will in many cases be receiving a disability rather than a retirement pension. On the other hand, the majority of jobs involving intellectual, supervisory or managerial functions may be performed by elderly workers, especially as consultants, advisers and teachers.

Flexibility should also extend to allowing for a shorter working day after a certain age, or for the combination of a reduced pension with a part-time job.

(3) The elderly should be able to receive a retirement pension while engaging in gainful activity, although this situation may involve the obligation to make a solidarity contribution.

(4) Courses and other activities should be organized to prepare persons in the pre-retirement group for the new situation which they will face when they move from active employment to retirement, informing them of health education, legal advice, opportunities to participate in voluntary community activities, and how they can benefit from educational, cultural, recreational and other activities.

(5) Links should be created between the retired persons and the work places where they ended their professional lives, especially in the case of public and large enterprises, in order to ease the transition to the new stage that retirement represents.

(c) Measures for the fourth age

(1) The family's ability to take care of elderly relatives, especially those in delicate health, should be supported and strengthened by organizing community home-care services and even granting economic incentives to low-income families in order to avoid their institutionalization in residences or hospital centres as far as possible. For elderly people who have no relatives, formulas such as surrogate or adoptive families or shared housing should be sought.

(2) Priority attention should be given to elderly people living alone, by organizing home-care services and supporting movements which try to revitalize the ties of solidarity and social life among neighbours that were so important in times past and can again play a major role in the future.

(3) The medical care dispensed by primary health or ambulatory services should be coordinated with that provided by hospitals and geriatric centres to enable the elderly to receive continuous and uniform medical assistance.

(4) Arrangements should be made for an adequate network of in-patient establishments and day-care centres which meet satisfactory conditions of safety, hygiene and health care and provide satisfactory cultural services, etc., with effective supervision being exercised over the treatment received by the patients.

(5) Encouragement should be given to the establishment of geriatric services for the elderly who require continuous health care for prolonged periods, in appropriate institutions or in their own homes (the chronically or terminally ill, for example), ensuring that mentally healthy persons do not, on account of a lack of adequate institutions, have to be committed to hospitals for the mentally ill.

(6) Care should be provided for the terminally ill, who should be spared from suffering and pain as far as possible, and the dying should be helped to die in dignity, without the lives of old persons who are irretrievably ill being prolonged by disproportionate treatments.

(7) Lastly, in view of the fact that some elderly persons find themselves abandoned or ill-treated, it would be desirable to establish associations for the protection of the elderly at the national or regional level with similar functions to those of the associations for the protection of minors that operate in most countries which are doing important work in resolving extremely difficult situations.

V. CONTRIBUTION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS TO ASSISTING THE ELDERLY

43. At the World Assembly on Aging, the United Nations solemnly reaffirmed that the fundamental and inalienable rights enshrined in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights apply fully to the elderly (General Assembly resolution 2200 A (XXI)).

44. Consequently, and although article 2 (2) of the Covenant makes no explicit reference to age, the Committee can make a contribution to protecting the economic, social and cultural rights of the third age and fourth age, especially since there is no convention within the United Nations framework which deals specifically with the human rights of the elderly.

45. Such a contribution could be realized by including in the guidelines for the preparation of reports drafted by Mr. Bruno Simma (E/1991/23, annex IV), a list of specific questions that would enable the Committee to ascertain the extent to which States Members are fulfilling their commitments to the elderly. That has been the purpose of this paper and the draft list of questions appears as appendix I. The author is sure that the draft list could be greatly improved by contributions from the other members of the Committee, advice from the specialized agencies and the help of the Centre for Social Development and Humanitarian Affairs.

46. As with the other provisions of the Covenant, it is to be hoped that the non-governmental organizations for the protection of the rights of the elderly will attend the sessions of the Committee and submit written communications which will help to inform the Committee of the extent to which the economic, social and cultural rights of the elderly as a group are enjoyed in those States Members whose reports are to be considered.

Notes

a/ Pursuant to the request made by the Committee at its fifth session (E/1991/23, para. 286).

b/ See Report of the World Assembly on Aging, Vienna, 26 July to 6 August 1982 (United Nations publication, Sales No. E.82.I.16), chap. VI, sect. A.

c/ See E/1985/6.

d/ See E/1989/13.

Appendix I

Draft list of questions for inclusion in the revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant (E/C.12/1991/1)

Article 6 of the Covenant

1. In paragraphs 3 (a) and 3 (b) (E/C.12/1991/1, sect. B) add the word "age", to supplement the enumeration of groups or categories of persons which must not be subjected to discrimination with regard to employment or to vocational guidance and training.

2. Between paragraphs 4 and 5 insert the following three new paragraphs:

> "Please indicate whether there exist in your country mechanisms for selective placement and occupational rehabilitation designed to facilitate the placement of older workers.
>
> "Please indicate whether in your country retired workers can continue to draw their pensions if gainfully employed.
>
> "Please state also whether there exist, in the public or private sphere, arrangements whereby the knowledge and experience of elderly and retired persons can be put to use, whether on a voluntary basis or in gainful employment."

Article 7 of the Covenant

3. Add to paragraph 5 two new subparagraphs reading:

> "(c) Please indicate whether there exist in your country specific occupational health measures for the protection of elderly workers. If so, what arrangements do they comprise (e.g. part-time work, reduced working hours or adjustment of working conditions)?
>
> "(d) Please indicate whether there exist in your country programmes to prepare workers for retirement. If so, give information on their content."

Article 8 of the Covenant

4. Between paragraphs 2 (b) and 2 (c) insert the following new subparagraph:

> "Please indicate whether retired workers take part in trade union activities. If so, what is the nature of their participation?"

Article 9 of the Covenant

5. Replace paragraph 5 by the following text:

> "5. Please indicate whether in your country the governmental or public social security schemes are supplemented by employment-based or private schemes or funds."

6. Between paragraphs 6 and 7 insert the following two new paragraphs:

> "Please state whether there exists in your country any kind of assistance for indigent elderly persons who, because they have never worked or have not contributed for the minimum period required, receive no old-age pensions.
>
> "Please indicate whether there exist in your country flexible retirement schemes. If so, please give information about them."

Article 11 of the Covenant

7. After paragraph 3 (b) (ii) insert the following new subparagraph:

> "(iii) the number of elderly persons living alone in inadequate accommodation;"

and renumber the following subparagraphs accordingly.

8. At the end of paragraph 3 (b) add a new further subparagraph reading:

> "(ix) measures taken to make it easier for the elderly to continue living in their own dwellings, whether alone or with their families; and, failing that possibility, measures to accommodate them in residences or alternative family units".

Article 12 of the Covenant

9. At the end of paragraph 4 add a final subparagraph reading:

> "(i) Proportion of elderly persons having access to trained personnel for care."

10. Paragraph 6 should read as follows:

> "6. Please indicate the measures taken by your Government to ensure that the rising costs of health care for the elderly do not lead to infringements of those persons' right to health, particularly in regard to preventive medicine and to care of the chronically or terminally ill."

Article 13 of the Covenant

11. Add to paragraph 1 a final subparagraph reading:

"(e) What practical measures have been taken in your country to enable elderly persons to enjoy the benefits of education? What options are available to them for supplementing their studies?"

Article 15 of the Covenant

12. Insert between paragraphs 1 (d) and 1 (e) a new subparagraph reading:

"Promotion of the enjoyment by elderly persons of the right to the benefits of culture."

Appendix II

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(as submitted by Mrs. Jiménez Butragueño)

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ILO

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Annex V

LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS SIXTH SESSION

AFGHANISTAN	*Representative*:	Mr. Mohammad Anwar Wahidi Deputy Minister of Justice of the Republic of Afghanistan
	Advisers:	H.E. Mr. Mohammad Nabi Amani Ambassador Permanent Representative of the Republic of Afghanistan to the United Nations Office at Geneva
		Mr. Zalmai Damoon First Secretary Permanent Mission of the Republic of Afghanistan to the United Nations Office at Geneva
PANAMA	*Representative*:	H.E. Mr. Osvaldo Velásquez Ambassador, Permanent Representative of Panama to the United Nations Office at Geneva
	Advisers:	Mr. Oscar Ucros Adviser to the Ministry of Labour and Social Welfare
		Ms. Lourdes C. Vallarino Second Counsellor Permanent Mission of Panama to the United Nations Office at Geneva
SYRIAN ARAB REPUBLIC	*Representative*:	Mr. Clovis Khoury Minister Counsellor Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	*Representative*:	H.E. Mr. Ri Tcheul Ambassador Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (cont'd.)	Advisers:	Mr. Chae Ryang Il Director of International Affairs State Education Commission
		Mr. Pak Dok Hun Counsellor Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office at Geneva
		Mr. Li Tae Jun Section Chief Department of International Law and Treaties Ministry of Foreign Affairs
FINLAND	Representative:	Ms. Anja-Riitta Ketokoski Director, Human Rights Legal Department Ministry of Foreign Affairs
	Adviser:	Ms. Zoe Pohjanvirta Government Counsellor Ministry of Education
SWEDEN	Representative:	Mr. Sune Danielsson Assistant Under-Secretary for Legal and Consular Affairs Ministry of Foreign Affairs
	Adviser:	Mr. Magnus Eriksson Legal Adviser Ministry of Education and Cultural Affairs
SPAIN	Representative:	Mrs. Martina Silvia Cases Ponz Deputy Director-General for Legal Affairs of the Centres Ministry of Education and Science
	Advisers:	Mr. Angel Losada Counsellor Permanent Mission of Spain to the United Nations Office at Geneva
		Mrs. Dolores Gavira Golpe Technical Adviser for Cultural Cooperation Ministry of Culture
		Mrs. María del Carmen Batres Rodríguez Technical Adviser for Centres Ministry of Education and Science

COLOMBIA	Representative:	H.E. Mr. Eduardo Mestre Sarmiento Ambassador Permanent Representative of Colombia to the United Nations Office at Geneva
	Adviser:	Mrs. Ligía Galvis Counsellor Permanent Mission of Colombia to the United Nations Office at Geneva.

Annex VI

LIST OF DOCUMENTS OF THE COMMITTEE AT ITS SIXTH SESSION

E/1984/6/Add.12	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by Economic and Social Council resolution 1988 (LX): Afghanistan
E/1984/6/Add.19	*Idem*: Panama
E/1984/6/Add.20	*Idem*: Senegal
E/1986/3/Add.15	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by Economic and Social Council resolution 1988 (LX): Nicaragua
E/1988/5/Add.9	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15, in accordance with the third stage of the programme established by Economic and Social Council resolution 1988 (LX): Panama
E/1986/4/Add.22	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by Economic and Social Council resolution 1988 (LX): Panama
E/1990/7/Add.1	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 t 15, in accordance with the third stage of the programme established by Economic and Social Council resolution 1988 (LX): Finland
E/1990/7/Add.2	*Idem*: Sweden
E/1990/7/Add.3	*Idem*: Spain
E/1990/7/Add.4	*Idem*: Colombia
E/1990/7/Add.5	*Idem*: Belarus
E/1990/7/Add.6	*Idem*: Czech and Slovak Federal Republic
E/1990/7/Add.7	*Idem*: Norway
E/1990/7/Add.8	*Idem*: Union of Soviet Socialist Republics
E/1990/7/Add.9	*Idem*: Poland

E/1990/7/Add.10	Idem: Hungary
E/1990/7/Add.11	Idem: Ukraine
E/1990/5/Add.5	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15, under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights and in accordance with the revised schedule for sumbission of reports approved by the Committee at its fourth session: New Zealand
E/1990/5/Add.6	Idem: Iceland
E/1990/5/Add.7	Idem: Uruguay
E/1990/5/Add.8	Idem: Afghanistan
E/1990/6/Add.1	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15, under articles 16 and 17 of the Covenant and in accordance with the revised schedule for submission of reports approved by the Committee at its fourth session: Syrian Arab Republic
E/1990/6/Add.2	Idem: Italy
E/1990/6/Add.3	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 15, under articles 16 and 17 of the Covenant and in accordance with the revised schedule for submission of reports approved by the Committee at its fourth session: Canada
E/1989/5	Additional information submitted by States parties to the Covenant following consideration of their reports by the Committee: Zaire
E/1989/5/Add.1	Idem: France
E/1989/5/Add.2	Idem: Netherlands
E/1989/5/Add.3	Idem: Colombia
E/1989/5/Add.4	Idem: Jamaica
E/1989/5/Add.5	Idem: Panama
E/1989/5/Add.6	Idem: Jordan
E/1991/23	Report of the Committee on Economic, Social and Cultural Rights on its fifth session

E/1992/4	Fourteenth report of the International Labour Organisation under article 18 of the Covenant, submitted in accordance with Economic and Social Council resolution 1988 (LX)
E/C.12/1990/4	Rules of procedure of the Committee
E/C.12/1990/5	Revised schedule for submission of reports by States parties under articles 16 and 17 of the Covenant approved by the Committee at its fourth session
E/C.12/1991/1	Revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant
E/C.12/1991/2	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1991/3	States parties to the Covenant and status of submission of reports in accordance with the programme established by the Economic and Social Council in resolutions 1988 (LX) and 1988/4 and rule 58 of the rules of procedure of the Committee: note by the Secretary-General
E/C.12/1991/L.1	Draft programme of work: note by the Secretary-General
E/C.12/1991/L.1/Rev.1	Tentative programme of work for the sixth session, as approved by the Committee at its 1st meeting
E/C.12/1991/WP.1 and Add.1	Discussion note prepared by Mrs. María de los Angeles Jimenez Butragueño
E/C.12/1991/WP.2	Discussion note prepared by Mr. Philip Alston
E/C.12/1991/NGO/1	Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster
E/C.12/1991/NGO/2	Written statement submitted by the World Association for the School as an Instrument of Peace, a non-governmental organization on the Roster
E/C.12/1991/SR.1-26 and SR.1-26/ Corrigendum	Summary records of the sixth session (1st to 26th meetings) of the Committee on Economic, Social and Cultural Rights

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